

5798. By Mr. ESCH: Petition of the Tri-State Development Congress, at a meeting held at St. Paul, Minn., relative to flood protection, navigation, and water power; to the Committee on Rivers and Harbors.

5799. Also, petition of the City Council of Philadelphia, Pa., asking that the city of Philadelphia be selected as a place of burial for one of America's unknown dead; to the Committee on Military Affairs.

5800. By the SPEAKER (by request): Petition of Local Union, No. 73, of the National Federation of Federal Employees, Cleveland, Ohio, favoring the passage of House bill 15746 and Senate bill 4839; to the Committee on the Merchant Marine and Fisheries.

5801. By Mr. LAMPERT: Petition from citizens of St. Nazianz, Wis., protesting against the so-called Smith-Towner bill; to the Committee on Education.

5802. Also, resolution from the St. Joseph Benevolent Society, Fond du Lac, Wis., protesting against the so-called Smith-Towner bill; to the Committee on Education.

5803. Also, resolution from Catholic Order of Foresters, of Two Rivers, Wis., protesting against the so-called Smith-Towner bill; to the Committee on Education.

5804. By Mr. MICHENER: Petition of the New Michigan Loan and Building Association, of Jackson, Mich., referring to amendments to the income tax; also petition of the Michigan Potato Producers' Association, in reference to the tariff on potatoes; to the Committee on Ways and Means.

5805. By Mr. MOONEY: Petition of the Chamber of Commerce of Columbus, Ohio, protesting against any reduction in appropriation asked by the Bureau of Foreign and Domestic Commerce as approved in House bill 15543; to the Committee on Appropriations.

5806. Also, petition of Local Union, No. 73, of the National Federation of Federal Employees, Cleveland, Ohio, favoring House bill 15746 and Senate bill 4839; to the Committee on the Merchant Marine and Fisheries.

5807. By Mr. O'CONNELL: Petition of members of the parish of the Holy Child Jesus, of Richmond Hill, N. Y., protesting against the Smith-Towner bill; to the Committee on Education.

5808. Also, petition of City County of Philadelphia, Pa., requesting that one of America's unknown dead may be buried in Independence Square, Philadelphia; to the Committee on Military Affairs.

5809. Also, petition of the Viking Ship & Marine Works, of Brooklyn, N. Y., asking that the inland waterways be improved; to the Committee on Rivers and Harbors.

5810. By Mr. OLNEY: Memorial of Quincy Council, Knights of Columbus, Quincy, Mass., in opposition to Smith-Towner bill; to the Committee on Education.

5811. By Mr. OSBORNE: Memorial of Mrs. Julia H. Schedin, 1038, Canal Avenue, Wilmington, Calif., and 47 other citizens of Wilmington, Calif., in opposition to the passage of bill (H. R. 12652) to provide for the promotion of physical education in the United States through cooperation with the States in the preparation and payment of supervisors and teachers of physical education, including medical examiners and school nurses, to appropriate money and regulate its expenditure, and for other purposes; to the Committee on Education.

5812. By Mr. SINCLAIR: Petition of Minot (N. Dak.) Council of the Knights of Columbus, protesting against the passage of the Smith-Towner bill; to the Committee on Education.

5813. By Mr. SINNOTT: Petition of Central Labor Council of Klamath Falls, Oreg., to remove restrictions in trade with soviet Russia; to the Committee on Foreign Affairs.

5814. By Mr. SNELL: Petition of sundry citizens of Edwards, N. Y., protesting against the passage of the Smith-Towner educational bill; to the Committee on Education.

5815. Also, petition of Plattsburg Council, No. 253, Knights of Columbus, of Plattsburg, N. Y., protesting against the passage of the Smith-Towner educational bill; to the Committee on Education.

5816. Also, petition of sundry citizens of Lyon Mountain, N. Y., protesting against the passage of the Smith-Towner educational bill; to the Committee on Education.

5817. By Mr. TAGUE: Petition of Massachusetts State Federation of Women's Clubs, Boston, Mass., indorsing House bill 15228; to the Committee on Reform in the Civil Service.

5818. Also, petition of Rev. Joseph J. Smith, of Boston, Mass., opposing Smith-Towner bill; also, from Frederick N. Barbour, on same subject; to the Committee on Education.

5819. Also, petition of President George S. Mumford, Commonwealth Trust Co., of Boston, Mass., favoring passage of the Nolan bill (H. R. 15662); to the Committee on Patents.

5820. Also, letter from department of conservation, Commonwealth of Massachusetts, on gypsy-moth suppression; to the Committee on Appropriations.

5821. By Mr. TEMPLE: Petition of Lawrence County Sheep and Wool Growers' Association, New Castle, Pa., opposing any change in the standard time and supporting the "truth in fabrics" bill; to the Committee on Interstate and Foreign Commerce.

5822. Also, petition of the Beaver County Federation of Catholic Societies; Ladies' Catholic Benevolent Association, Branch No. 782, of Charleroi; and Rev. H. Geibel, of Donora, Pa., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

5823. Also, petition of the Retail Lumber Dealers' Association of Pennsylvania, Pittsburgh, Pa., opposing a duty on lumber imported from Canada; to the Committee on Ways and Means.

## SENATE.

WEDNESDAY, February 16, 1921.

(Legislative day of Monday, February 14, 1921.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

GREAT FALLS WATER-POWER PROJECT (S. DOC. NO. 403).

The PRESIDING OFFICER (Mr. CURTIS) laid before the Senate a report of the chairman of the Federal Power Commission, submitting, pursuant to law, plans and estimates of cost necessary to secure an increased and adequate water supply for the District of Columbia, which, with the accompanying papers and plans, was referred to the Committee on Commerce, and it was ordered to be printed.

SUPPLEMENTAL ESTIMATE, BUREAU OF EFFICIENCY (S. DOC. NO. 399).

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, transmitting a communication from the Chief of the Bureau of Efficiency submitting a supplemental estimate of appropriation in the sum of \$20,000 required by the Bureau of Efficiency for salaries and expenses for the fiscal year 1921, which was referred to the Committee on Appropriations and ordered to be printed.

OLYMPIC NATIONAL FOREST, WASH. (S. DOC. NO. 402).

The PRESIDING OFFICER laid before the Senate a communication from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of Agriculture, submitting a supplemental estimate of appropriation in the sum of \$100,000 required by the Department of Agriculture for disposal and protection from fire of the timber on Olympic National Forest, Wash., fiscal year 1921, which was referred to the Committee on Appropriations and ordered to be printed.

ACCOUNTS OF TREASURER OF UNITED STATES (S. DOC. NO. 400).

The PRESIDING OFFICER laid before the Senate a communication from the Acting Secretary of the Treasury, transmitting an estimate of appropriation in the sum of \$15,956 required by the Treasury Department to enable the proper accounting officers of the Treasury to credit said sum in the accounts of the Treasurer of the United States, that amount being now carried in the accounts of the office of the Assistant Treasurer of the United States at Boston, Mass., which was referred to the Committee on Appropriations and ordered to be printed.

JUDGMENTS BY COURT OF CLAIMS (S. DOC. NO. 398).

The PRESIDING OFFICER laid before the Senate a communication from the Acting Secretary of the Treasury, transmitting, pursuant to law, a list of judgments rendered by the Court of Claims amounting to \$65,698.94, which was referred to the Committee on Appropriations and ordered to be printed.

CLAIM DUE THE AMERICAN EXPRESS CO. (S. DOC. NO. 401).

The PRESIDING OFFICER laid before the Senate a communication from the Acting Secretary of the Treasury, transmitting an estimate of appropriation in the sum of \$470.80 due the American Express Co. for transportation of currency, which was referred to the Committee on Appropriations and ordered to be printed.

## PETITIONS AND MEMORIALS.

Mr. HALE presented a joint resolution of the Legislature of Maine, which was referred to the Committee on Public Lands, as follows:

### STATE OF MAINE, 1921.

Joint resolution by the Senate and House of Representatives of the Eightieth Legislature of the State of Maine, favoring the establishment and maintenance by the United States Government of a forest experiment station on the White Mountain National Forest in the State of New Hampshire.

Whereas the problem of conservative management of forests and forest lands and the reforestation of the waste lands of this State and other New England States is of great importance to the people of New England; and

Whereas there is now pending before Congress a bill entitled "A bill for the establishment and maintenance of a forest experiment station on the White Mountain National Forest in the State of New Hampshire," having for its purpose the establishment by the United States Government of such an experiment station for the purpose of conducting the experiments and investigations pertaining to forestry in the New England States: Therefore

*Resolved*, First, that it is the earnest wish of the Legislature of the State of Maine that the pending bill hereinbefore mentioned be enacted, and our Senators and Representatives in Congress are requested to use all reasonable efforts to obtain its enactment.

Second, that the secretary of state be requested to forward an attested copy of these resolutions to both the Senate and House of Representatives of the Congress now in session and to our Senators and Representatives therein.

In senate chamber January 27, 1921, read and passed; sent down for concurrence.

L. ERNEST THORNTON, *Secretary*.

House of representatives, February 1, 1921, read and adopted in concurrence.

CLYDE R. CHAPMAN, *Clerk*.

UNITED STATES OF AMERICA,  
STATE OF MAINE, OFFICE OF SECRETARY OF STATE.

I, Frank W. Ball, secretary of state of the State of Maine, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of joint resolution of the Senate and House of Representatives of the State of Maine in legislature assembled, with the original thereof, and that it is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have caused the seal of the State to be hereunto affixed. Given under my hand at Augusta, this 14th day of February, in the year of our Lord 1921 and in the one hundred and forty-fifth year of the Independence of the United States of America.

[SEAL.]

FRANK W. BALL,  
*Secretary of State*.

Mr. THOMAS. I desire to present a telegram from the Denver Civic and Commercial Association which embodies a resolution protesting against the establishment of further administrative bureaus or commissions. I regard it as one of the most sensible and conservative resolutions that have been passed in recent times by any commercial organization. I ask that the telegram may be printed in the RECORD.

There being no objection, the telegram was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

DENVER, COLO., February 12, 1921.

HON. CHARLES S. THOMAS,  
*United States Senate, Washington, D. C.*

The board of directors of the Denver Civic and Commercial Association, at their regular meeting on Thursday, February 10, adopted the following resolution:

*Resolved*, That we oppose the establishment of further administrative bureaus or commissions, National, State, or local, and urge that new legislation shall control by fixed rule of law applying alike to all and enforceable in the ordinary courts of justice."

DENVER CIVIC AND COMMERCIAL ASSOCIATION,  
By ARTHUR J. DODGE, *Business Manager*.

Mr. PHIPPS presented a telegram in the nature of a memorial from the Denver Civic and Commercial Association, of Denver, Colo., opposing the establishment of further administrative bureaus or commissions, National, State, or local, which was referred to the Committee on Appropriations.

Mr. MYERS presented a memorial of sundry citizens of Gallatin County, Mont., remonstrating against the enactment of legislation increasing the duty on wrapper tobacco, which was referred to the Committee on Finance.

Mr. TOWNSEND presented a resolution of the Polar Bear Post, Veterans of Foreign Wars, No. 436, of Detroit, Mich., favoring legislation restricting the immigration of aliens, which was ordered to lie on the table.

He also presented memorials of the Home Culture Club, of Jackson; sundry citizens of Sandstone; the Women's Literary Club, of Pontiac, all in the State of Michigan, remonstrating against the enactment of legislation commercializing national parks, which were referred to the Committee on Commerce.

He also presented memorials of sundry citizens of Charlevoix; Newberry Study Club, of Newberry; Grand Traverse Council, No. 1213, Knights of Columbus, of Traverse City; Richard Council of Knights of Columbus, of Lansing, all in the State of Michigan, remonstrating against the enactment of legislation creating a department of education, which were referred to the Committee on Education and Labor.

He also presented a petition of the Civic and Commercial Association of Sault Ste. Marie, Mich., favoring an amendment to the seaman's act relative to traffic on the Great Lakes, which was referred to the Committee on Commerce.

He also presented a resolution of the Kiwanis Club, of Kalamazoo, Mich., favoring legislation providing for consolidation of the Bureau of War Risk Insurance, the Rehabilitation Section of the Public Health Service, and the Federal Board for Vocational Education; providing adequate appropriations for the bureau charged with caring for disabled ex-service men;

and appropriations to build necessary hospitals, which was referred to the Committee on Finance.

He also presented a resolution of the New Michigan Building & Loan Association, of Jackson, Mich., favoring legislation exempting the earnings of members of cooperative building and loan associations from income tax up to an amount of \$500 per year, which was referred to the Committee on Finance.

He also presented a resolution of the Michigan Potato Producers' Association, of East Lansing, Mich., favoring legislation placing a protective tariff on potatoes imported into the United States, which was referred to the Committee on Finance.

He also (for Mr. NEWBERRY) presented a resolution of the Women's Literary Club, of Pontiac, Mich., protesting against commercializing the national parks, which was referred to the Committee on Commerce.

He also (for Mr. NEWBERRY) presented a resolution of the New Michigan Building & Loan Association, of Jackson, Mich., favoring legislation exempting the earnings of members of cooperative building and loan associations from income tax up to an amount of \$500 per year, which was referred to the Committee on Finance.

He also (for Mr. NEWBERRY) presented a resolution of Polar Bear Post, Veterans of Foreign Wars, No. 436, of Detroit, Mich., favoring legislation restricting the immigration of aliens, which was ordered to lie on the table.

He also (for Mr. NEWBERRY) presented a resolution of the Michigan Potato Producers' Association, of East Lansing, Mich., favoring legislation placing a protective tariff on potatoes imported into the United States, which was referred to the Committee on Finance.

He also (for Mr. NEWBERRY) presented memorials of Midland Council, No. 2141, Knights of Columbus, of Midland; St. Francis Branch of the Holy Name Society, of Grand Rapids; Marquette Council, No. 689, Knights of Columbus, of Marquette; Newberry Study Club, Newberry; Alpena Council, Knights of Columbus, of Alpena; Catholic Study Club, of Detroit; officers and sundry members of St. Anthony Court, No. 700, Catholic Order of Foresters, of Calumet; and St. Joseph's Branch, No. 413, Ladies' Catholic Benevolent Association, of Port Huron; all in the State of Michigan, remonstrating against the enactment of legislation creating a department of education, which were referred to the Committee on Education and Labor.

Mr. KENDRICK presented a resolution of the Rotary Club of Casper, Wyo., favoring united action by the United States and other Christian Governments to stop Turkish atrocities, which was referred to the Committee on Foreign Relations.

Mr. WILLIS presented a petition of sundry citizens of Urbana, Ohio, praying for recognition of the independence of Ireland, which was referred to the Committee on Foreign Relations.

He also presented memorials of Dover Council No. 1973, Knights of Columbus, of Dover; Rev. W. C. Zierolf, of Sandusky; Rev. Nicholas Pfeil, St. Peter's Rectory, Cleveland; Greenville Council, No. 1796, Knights of Columbus, of Greenville; sundry citizens of North Bend Road, Cincinnati; Rev. John Gnal and church committee, of Greenville; Mrs. Robert J. Schock, president Notre Dame Alumnae, of Hamilton; sundry citizens of Greenville; St. Henry Branch, No. 751, Catholic Knights of America, of St. Henry; sundry members of St. John's Catholic Club, of Cleveland; Catholic Ladies of Columbia, Branch No. 130; St. Anthony's Ladies Aid Society and Our Lady of Lourdes Church, of Marysville; Council No. 386, Knights of Columbus, of Toledo; Joseph A. Tetzlaff, president University of Dayton, of Dayton; and Thomas Meyer, president Board of Education School District No. 2, of Minster, all in the State of Ohio, remonstrating against the enactment of legislation creating a department of education, which were referred to the Committee on Education and Labor.

He also presented memorials of Rev. Joseph W. Kondelka, grand chaplain, First Central Bohemian Union of America, of Cleveland; Knights of Columbus, of Zanesville; Fremont Council, Knights of Columbus, of Fremont; Rev. J. P. Downey, president of Dayton Priests' Meeting, of Dayton; sundry members of St. Johns Church, of Lima; Frank Toman, president, St. George's Society, of Cleveland; Vincent A. Benda, president, St. Procop's Church choir, of Cleveland; Anton Nekl, president, Cadets of St. Stanilius, No. 277, of Cleveland; Ludvik Noroany, president, St. Joseph Court, Knights of Foresters, of Cleveland; Anton J. Voudra, president, Dramatic Society of St. Prokops Church, of Cleveland; Anna Prokop, president, St. Mary of Lourdes, of Cleveland; Albert Hasket, president, St. Peter's Society, of Cleveland; V. F. Kozak, president, Svornost Katolicka No. 13, P. U. J., of Cleveland; Albert Krofta and Chas. A. Prosek, of Chapter No. 2636, A. I. U., of Cleveland;



Jos. Poljan, president, Knights St. Wenslaus Commandery No. 214, of Cleveland; Rev. Joseph W. Kondelka, chaplain, Third Regiment, Knights of St. John, and pastor St. Wenceslas Roman Catholic Church, of Cleveland; Cincinnati Catholic Women's Association, of Cincinnati; all in the State of Ohio, remonstrating against the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

Mr. SMITH of Maryland presented a memorial of St. John's Holy Name Society, of Baltimore, Md., remonstrating against the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

#### AMENDMENT OF TRANSPORTATION ACT.

Mr. TOWNSEND, from the Committee on Interstate Commerce, to which was referred the bill (H. R. 15836) to amend the transportation act, 1920, reported it favorably without amendment.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment relative to reclassifying postmasters and employees of the Postal Service and readjusting their salaries and compensation on an equitable basis, etc., intended to be proposed by him to the Post Office appropriation bill, which was ordered to lie on the table and be printed.

Mr. FLETCHER submitted an amendment proposing to appropriate \$800,000, to be immediately available, to continue development of a submarine base at the naval station, Key West, Fla., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. BRANDEGEE submitted an amendment proposing to appropriate \$60,000 toward the completion of a submarine base at New London, Conn., and \$40,000 for the purchase of additional land, intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. SWANSON submitted an amendment proposing to appropriate \$100,000,000 for the construction of rural post roads, of which \$3,000,000 shall be for survey, construction, and maintenance of roads and trails within or only partly within the national forests, etc., intended to be proposed by him to the Post Office appropriation bill, which was ordered to lie on the table and be printed.

Mr. CALDER submitted an amendment proposing to pay \$167,500 to the George Leary Construction Co. for bonus earned under contract No. 2258, and changes thereto, for completion of Dry Dock No. 4 in advance of the date fixed in the contract, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

#### EMERGENCY TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15275) imposing temporary duties upon certain agricultural products to meet present emergencies, to provide revenue, and for other purposes.

Mr. SHEPPARD, Mr. President, in my judgment no more unfair and more inaccurate deliverance has been uttered on the floor of the Senate than was uttered yesterday by the Senator from Colorado [Mr. THOMAS] in reply to a statement of mine on the day before in connection with the pending emergency tariff bill. The Senator quoted my statement, as follows:

The Democratic Party enacted a tariff law levying duties of 100 per cent in addition to all existing duties on imports covering all manufactured and agricultural articles, with but very few exceptions.

That statement of mine was in reference to the Democratic tariff act of July 1, 1812. The Senator then proceeded:

I do not think the Senator has read that statute very carefully or he would not have made that statement.

I shall quote from the law itself in order that it may be seen whether my quotation was accurate. The opening paragraph of the tariff law of July 1, 1812, reads as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an additional duty of 100 per cent upon the permanent duties now imposed by law upon goods, wares, and merchandise imported into the United States shall be levied and collected upon all goods, wares, and merchandise which shall, from and after the passing of this act, be imported into the United States from any foreign port or place.*

It will be observed that I followed the law literally when I quoted from it.

The Senator from Colorado continued:

In the first place, it was a war measure.

Certainly it was a war measure. So is the emergency tariff bill now under consideration.

The Senator from Colorado further said:

It was not designed to interfere with prices or bring relief to classes.

That is simply a statement of the conclusion of the Senator from Colorado. It did have a protective design, because it was enacted in response to a message from President Madison asking for protective legislation.

The Senator from Colorado then continued:

We had previously declared war against Great Britain.

That is one of the very few accurate statements in his entire address.

At that time—

He said—

the ad valorem percentage of existing duty, if my recollection does not deceive me, was less than 10 per cent. The effect of that act was simply to increase the duties 100 per cent, which would make them still 20 per cent, or about one-half of the prevailing ad valorem percentages of the present Underwood tariff law.

Be that as it may, the fact is that the duties imposed by this law in connection with war conditions amounted practically to a prohibitive tariff law during the entire course of the war. The effect of that law was to double the duties in existence prior to the date of the enactment of the law. These double duties in connection with the war conditions amounted, as I said, to a prohibitive tariff.

The Senator then continued:

It was aimed at British trade. The condition of belligerency consequent upon our declaration that a state of war existed naturally and necessarily suggested such legislation as might cripple the enemy.

Is it possible that an ad valorem tariff law of 20 per cent could have seriously crippled an enemy? Was the Underwood tariff law designed for the purpose of crippling an enemy? The Senator from Colorado said that the ad valorem duties of the act of 1812 were lower than those of the Underwood tariff law of 1913, and yet that they were destined to cripple the enemy. They did cripple the enemy seriously, because in connection with war conditions they amounted, as a rule, to prohibition.

But the Senator continued:

The Senator from Texas further says that this increase covered "all manufactured and agricultural articles with but very few exceptions."

The Senator from Colorado then said:

On the contrary, the act was by its very terms expressly limited to those articles upon which the existing duties were imposed.

That is true, but the articles on which existing duties were imposed composed practically the entire range of imported agricultural and manufactured articles. The only agricultural articles of any importance whatever on the free list before July 1, 1812, were wool and hides, and wool was transferred to the dutiable list by the Madison tariff of 1816.

The Senator then added:

The Senator, I think, will search the laws in force on July 1, 1812, in vain for the inclusion of any agricultural product.

I again allude to the fact that practically all agricultural articles that were imported at all were on the dutiable list prior to July 1, 1812, except wool and hides.

The Senator intimated that no consideration was paid during that period to agricultural products. I wish to read from Secretary Dallas's report, on which the permanent Democratic tariff of 1816 was based. This is what Mr. Dallas said, Mr. Dallas, the Secretary of the Treasury at that time, and one of the most notable Democrats, one of the most accomplished statesmen, of all time:

In framing the propositions which this report will submit to the consideration of Congress for the establishment of a general tariff, three great objects have been principally regarded: First, the object of raising, by duties on imports and tonnage, the proportion of public revenue which must be drawn from that source. Second, the object of conciliating the various national interests, which arise from the pursuits of agriculture, manufactures, trade, and navigation.

Let me repeat that great principle.

The object of conciliating the various national interests which arise from the pursuits of agriculture, manufactures, trade, and navigation; and, third, the object of rendering the collection of the duties convenient, equal, and certain.

Evidently agriculture was an object of equal consideration with manufacture, trade, and navigation.

The Senator from Colorado then said:

The Senator from Texas having committed himself to the protection theory.

Mr. President, I have claimed that the emergency tariff act involves no question of permanent tariff policy whatever, and on that principle I have mainly based my support of it. Committed myself to the protection theory? The Senator from Colorado voted for duties of 30 and 35 per cent ad valorem on ready-made clothing in the Underwood-Simmons tariff bill and a duty of 25 per cent ad valorem on towels, blankets, sheets, and pillowcases. Is a man a Democrat when he votes for a permanent duty, undoubtedly protective, on manufactured ne-

cessities, and an apostate when he favors a temporary duty on the products of the farm? I do not understand the Senator's definition of democracy.

The Senator added, further quoting from another paragraph of my speech, as follows:

As for me, I have dedicated myself to the especial service of agriculture, with the conviction that in serving agriculture I serve this Nation in a truer sense than would be the case with any other division of American industry.

The Senator then proceeded to make this entirely unwarranted comment upon that assertion:

If he means that, he is no longer a Senator of the United States. The needs of the Nation, whatever they may be, however vast or insistent, are subordinated and must be subordinated by the Senator to the agricultural interest of the country, as he sees it. He is no longer even a Senator from the State of Texas; he can not represent all the varied interests and industries of the population of that State if he proposes here, as he says he does, to dedicate himself to one particular interest. Indeed, I think when a man makes such a declaration in this Chamber he ceases to be a Senator at all; he simply becomes a delegate, not a walking delegate but a rubber-stamp delegate, who proposes to place the seal of his approval upon those measures and a disapproval against those measures which a single interest informs him may be favorable or unfavorable to that interest.

Mr. President, the intimation contained in those remarks is an unspeakable slander. My statement is not justly subject to any construction of that kind. Has it come to pass that a man can not announce his desire to be of especial service to agriculture without being denounced as incapable of rendering proper devotion to all other elements of the country and without being proclaimed an apostate and a traitor? If I had said that I had dedicated myself to the exclusive service of agriculture, there might have been some justification for what the Senator said.

I shall tell the Senate why agriculture is in need of especial attention at this time. It has been especially neglected. The economic balance has been seriously disturbed, and unless special regard is had in the Senate and in the Congress to the needs of agriculture the Republic is doomed.

Mr. ASHURST. Mr. President, will the Senator yield at that point?

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Texas yield to the Senator from Arizona?

Mr. SHEPPARD. Certainly.

Mr. ASHURST. The Legislature of Arizona has adopted a resolution urging that the farmers and ranchers be no longer discriminated against. If it will not interrupt the Senator, will he permit me to read the memorial at this time?

Mr. SHEPPARD. Certainly; I am glad to have it.

Mr. ASHURST. In the present Legislature of Arizona the senate is Republican and the house is Democratic, but both the senate and house are profoundly penetrated with the idea that the agricultural interests of our country must no longer be discriminated against.

The legislature of my State is also penetrated with the idea that it is a glaring injustice to put the products of the farm and the ranch upon the free list, and the products of the factory on the dutiable list.

I thank the Senator for this opportunity to read the memorial. It is as follows:

FIFTH LEGISLATURE,  
STATE OF ARIZONA.

Senate joint memorial 2.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Fifth Legislature of the State of Arizona, respectfully represent:

Whereas there is now pending before the Congress of the United States of America certain proposed emergency legislation for the relief of those engaged in the farming industry in the United States; and

Whereas the enacting into law of this proposed legislation will greatly facilitate industry and assist to insure the success and prosperity of our people; and

Whereas unless such legislation as proposed is enacted the farming and allied industries will suffer material loss by reason of unsettled conditions and will be forced to compete with the cost of production in foreign countries; and

Whereas the farming industry, particularly the production of cotton, wool, beef, and lamb, will be among the greatest sufferers unless the proposed legislation is enacted; and

Whereas the State of Arizona depends largely for its general success and prosperity upon the development and continuance of the production of cotton, wool, beef, and lamb in this State; and

Whereas 80 per cent of the total area of the State of Arizona is now devoted to the live-stock industry, and a major portion of the arable lands is devoted to the growing of cotton: Therefore be it

Resolved by the Senate of the Fifth Legislature of the State of Arizona (the House of Representatives concurring therein), That the Congress of the United States of America be, and is hereby, memorialized to enact such pending emergency legislation for the relief of the farming industry: Be it further

Resolved, That the Senators and Representatives in the Congress of the United States of America are hereby requested to use their best efforts toward the enactment of the necessary emergency legislation for the relief of the farming industry.

Resolved further. That the secretary of state is hereby instructed to forward certified copies of this memorial to each of the Arizona delegation in Congress.

Passed the senate February 2, 1921, by the following vote: Fifteen ayes, 4 nays.

H. B. WILKINSON,  
President of Senate.  
ROY N. DAVIDSON,  
Secretary of Senate.

Adopted by the house February 7, 1921, by unanimous vote.

P. C. KEEFE,  
Speaker of the House.  
OSCAR ZAPP,  
Chief Clerk of the House.

Approved February 8, 1921.

THOMAS E. CAMPBELL,  
Governor of Arizona.

Filed in the office of the secretary of state of Arizona this 8th day of February, A. D. 1921, at 4.15 p. m.

ERNEST R. HALL,  
Secretary of State.  
By JOHN MCK. REDMOND,  
Assistant Secretary.

I ask unanimous consent to include the whole memorial in the Record at this particular juncture, though not to interfere with or to break up the sequence speech of the Senator from Texas.

The PRESIDING OFFICER. The Senator from Arizona does not need to request unanimous consent for that purpose, as the rules of the Senate provide for the printing in the Record of memorials from State legislatures.

Mr. ASHURST. Will the Senator from Texas pardon a further observation?

Mr. SHEPPARD. Certainly.

Mr. ASHURST. The Senator from Texas need have no perturbation, and I think he will bear with becoming fortitude the charge that he is here to serve agriculture. If the Senator should admit or confess that he was here to serve agriculture alone, he would be taking a premier and pioneer step in constructive statesmanship. If the multitudes of cities are to be subsisted, it will be because the farmer only will subsist them. If the idle rich, the joy rider, the scholar, and those who never till the soil are to subsist further, agriculture must no longer be discriminated against in this country. The time has come when the parting of the ways is at hand. If you wish the people to continue to be fed, do not crush those who are feeding the people. The wise prophet of old said, "Thou shalt not muzzle the ox when he treadeth out the corn."

Mr. SPENCER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Missouri?

Mr. SHEPPARD. Yes; I yield.

Mr. SPENCER. I ask permission to submit a report from the Committee on Claims.

Mr. FLETCHER. Mr. President, there will be no objection to the adoption of the report of the Committee on Claims which the Senator from Missouri proposes to make, and I ask unanimous consent to have it now considered.

The PRESIDING OFFICER. The Senator from Florida asks unanimous consent for the present consideration of the resolution reported by the Senator from Missouri, which the Secretary will read.

Mr. KENYON. Mr. President—

Mr. FLETCHER. The resolution merely proposes to refer the matter in question to the Committee on Claims.

Mr. MOSES. A parliamentary inquiry. Is the Senator from Texas [Mr. SHEPPARD] occupying the floor?

The PRESIDING OFFICER. The Senator from Texas is occupying the floor.

Mr. SHEPPARD. I shall conclude in a very few moments, if Senators will permit me.

The PRESIDING OFFICER. The Chair will have to enforce the rule. Matters which Senators are seeking to present can not properly be presented to interrupt the Senator from Texas.

Mr. FLETCHER. The Senator from Texas yielded for the purpose, and there is no objection to the report which the Senator from Missouri desires to present.

Mr. SHEPPARD. I like to be courteous—

Mr. KENYON. Mr. President—

The PRESIDING OFFICER. The Senator from Texas will proceed.

Mr. SHEPPARD. I like to be courteous to every Senator, and so I have yielded whenever requested to yield. What is it the Senator from Florida desires?

The PRESIDING OFFICER. The Chair will enforce the rule. The duty is really imposed upon the Chair to do so. The Senator from Texas may not yield for the purpose indicated.



Mr. SHEPPARD. I can not yield for the purpose of the passage of the resolution which the Senator from Florida [Mr. FLETCHER] refers.

Mr. FLETCHER. Then I ask the Senator from Missouri to withdraw the report.

The PRESIDING OFFICER. Does the Senator from Missouri desire to withdraw the report which he presented a moment ago?

Mr. SPENCER. I withdraw the report.

Mr. SHEPPARD. Mr. President, I have a personal affection as well as an admiration for the Senator from Colorado [Mr. THOMAS], and that is why I have felt a peculiar resentment toward the attitude taken by him in his speech of yesterday.

The Senator from Colorado has the audacity to question my Democracy and to denounce me as an apostate. While I was canvassing in Colorado last October in behalf of the man who had been nominated by the Democratic Party as the successor of the Senator from Colorado, the Senator from Colorado was running against that candidate, having accepted an independent nomination, and in that way was doing what he could, exercising his great powers, to bring about the defeat of the Democracy and the success of the Republican Party and the high protectionism which he so bitterly denounces.

That is all I have to say.

Mr. THOMAS. Mr. President, a word as to the speech of the Senator from Texas. But for his concluding sentence I should not refer to it. The Senator takes me to task for questioning his Democracy, but his complaints are largely misdirected. My criticism was not so much against his Democracy as against his attitude as a Senator, and would have been and is as pertinent to any Senator, whatever his politics, as to the Senator from Texas who has announced his purpose as a Senator to hereafter dedicate himself to a specific interest.

The Senator accuses me of misdirection, to say the least of it, as regards the old tariff law which was in force in 1812. If I am mistaken in regard to its subject matter, then, of course, the issue can be easily disposed of by the text of the statute itself. I stated, and I repeat, that the tariff laws of the early nineteenth century period were based upon the theory of revenue, and did not presume to include agricultural products or raw material. Of course, exceptions to that theory may be found in our statutes, exceptions which, on account of local interests, always intrude themselves into our revenue laws; but the Senator will not pretend that any legislation of that period is at all comparable to the pending emergency tariff bill; nor was it prohibitive in its character. That it embraced a few subjects of agricultural concern is perhaps true, but to use that sort of legislation in justification of the support of a bill like this is to outdo the devil in quoting Scripture; it can not be done.

The Senator protests that he is still wedded to the Democratic convictions regarding tariff for revenue, and avoids his dilemma by denying that this is a tariff bill. Perhaps it is not. Macaulay once said that monopoly would, if necessary, deny the operation of the law of gravity. I think a Democratic Senator who supports this bill and who supports it upon the theory that it is not a tariff bill might with equal justice attempt to deny the operation of natural laws. If it is not a tariff bill, what is it? It imposes duties, does it not?

Mr. SHEPPARD. It is an emergency tariff bill.

Mr. THOMAS. I will come to that in a moment.

Mr. SHEPPARD. I have not said it was not a tariff bill.

Mr. THOMAS. It imposes duties upon a long list of commodities, duties which are virtually prohibitory in their character upon nearly every foodstuff that man requires for his existence. It penalizes the poor man's table—breakfast, dinner, and supper. The only thing thus far that has escaped the provisions of this bill is water, and I have no doubt that some enthusiastic Democratic supporter of it will suggest an amendment protecting ice from the handicap which the long Canadian winters impose upon the American producer.

But the Senator says this is an emergency bill and therefore it is not a tariff bill.

Mr. SHEPPARD. Not at all, Mr. President.

Mr. THOMAS. Then I misunderstood the Senator.

Mr. SHEPPARD. I say it is an emergency tariff bill.

Mr. THOMAS. Then if it is an emergency tariff bill and the duties are prohibitory in their character, the Senator is reduced to the necessity of defending his support of it upon the ground that it is an emergency bill and an emergency bill only, and because it is an emergency bill he takes occasion in his support to dedicate himself to the interests of agriculture henceforth and forever.

I am not questioning the Senator's right. I am not questioning his purpose. What I am questioning is the pretense of attempting to square it with the old-fashioned notions of the Democratic Party upon this mighty subject; and I assert that if this bill is good for an emergency and justifies Democratic support because it is an emergency bill, then it is equally good for permanent legislation.

Mr. STANLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Kentucky?

Mr. THOMAS. I yield.

Mr. STANLEY. This bill is either a revenue bill or it is not, as the Senator from Texas has said. If it is passed for the purpose of procuring revenue and does procure revenue, then it can not materially affect the price of agricultural products, because they will come in from abroad just as they did before; and if it is passed not for the purpose of procuring revenue but for the purpose of laying an embargo, it is contrary to every tenet of Democracy.

Mr. THOMAS. Oh, yes; the Senator from Kentucky is absolutely right. But another argument to support those who on this side of the Chamber advocate the bill is that agriculture has been a neglected interest; that it has been discriminated against; and that agriculture will no longer submit to this discrimination, but demands equal opportunities, and at least equal rates of duty upon its products, so—as the Senator from Mississippi [Mr. WILLIAMS] said yesterday—that it may equalize one system of legal spoliation by another.

Mr. President, I shall doubtless involve myself in some controversy when I deny that agriculture has been discriminated against, and particularly in national legislation. The farmer has always been considered and always will be considered, so long as he is politically potential, by the Congress of the United States. Indeed, the Senator rebukes me for not knowing that he was protected more than a century ago. I think those who contend to the contrary must content themselves by the mere assertion that he has been discriminated against. Of course, if by "discrimination" is meant that duties have not heretofore been placed upon all agricultural products approximately equal to duties placed upon manufactured products, then I concede the aptness of the definition.

Mr. ASHURST. Mr. President, will the Senator yield at that point?

Mr. THOMAS. Yes; I yield.

Mr. ASHURST. The Senator will admit that that has been the general policy of the Government, has it not, to lay duties on manufactured products, but not on the products of the farm and the field and the ranch?

Mr. THOMAS. It has until comparatively recently.

Mr. ASHURST. Especially since 1913.

Mr. THOMAS. Yes; and before then. It ought to be the policy; and those to-day who are contending for these duties on the pretense of aiding the farmer are injuring the farmer beyond reparation.

Mr. STANLEY. Mr. President, will the Senator yield?

Mr. THOMAS. I yield.

Mr. STANLEY. Has the basic difference that existed between the Democratic Party and the Republican Party for the last 100 years been a difference of principle, or a matter of disaffection or contest between them as to which should share most bountifully in the plunder?

Mr. THOMAS. It has been until recently a matter of principle. It has now become a scramble for plunder, and inasmuch as the farmer is demanding his share in his organized capacity, he has inspired much enthusiastic advocacy of his cause on both sides of this Chamber.

Mr. STANLEY. Will the Senator kindly yield again?

Mr. THOMAS. I yield; yes.

Mr. STANLEY. The admission that the farmer has been discriminated against, in that he has not received his share of the usufruct of protectionism, is in its last analysis an admission that the policy of protectionism is a beneficent thing, and that the only fault Democracy now finds with it is the methods of distribution of the plunder and the usufruct.

Mr. THOMAS. Oh, no; it is only beneficent as an emergency. It is like good whisky; it is needed for a crying emergency. We have departed from the old theory of a tariff for revenue and free raw materials, and consciously or unconsciously accepting the Republican theory of protection for protection's sake, protection of everything, protection upon everything.

Now, if it is good, if it is beneficial, if it is desirable, if it is constitutional, let us say so; but let us not seek shelter behind the pretense that the former has been discriminated against in a general scheme of public robbery, for that is what it is.

A good many years ago the Agricultural Department of the Government was established for the benefit of the farmer. Its usefulness has expanded. Bureaus under the jurisdiction of that department have multiplied until it has become very largely a paternalistic institution. The Grange was organized in 1874, and both parties made haste to get under the granger tent, not only in Washington but in all the States of the Union. I can remember when it was fashionable for candidates in my country to wear overalls and old straw hats, to speak ungrammatically, and in other respects to indicate by imitation their loyalty to the cause of the noble granger.

Mr. WILLIAMS. And their contempt of the farmer.

Mr. THOMAS. In a way, yes. Since then we have had organization upon organization, and they never have knocked at the doors of Congress in vain. The more strongly they organize the more vigorously they contend that they have been discriminated against. That is true of organized labor. Anyone who cares to read the proceedings of an organized labor convention will discover the remarkable fact that organized labor has been bitterly discriminated against in the Congress of the United States, and they do not propose to stand it any longer. The same is true of other combinations; when popular sentiment is favorable we hear the charge of discrimination from them. They say now that they have been grievously discriminated against in the levy of our war taxes, and it is true. Some of you gentlemen during the discussion of our revenue laws contended that we were imposing the burden of war taxes upon organized wealth. Nominally we did so, the idea being to favor these classes now said to have been discriminated against; yet every student of the subject knows that these huge taxes which are imposed upon the industries of the country are transferred to the ultimate consumer and borne by the farmer, by the laborer, and by other classes of our population. Let me say to you, Senators, that one of the prime causes of the depression in agricultural products to-day is the enormous tax burden of the Government, levied primarily upon excess profits and income, but ultimately upon the productive energies of the Nation; and we are responsible for it.

Mr. ASHURST. Mr. President, will the Senator yield to me at that point?

Mr. THOMAS. Yes.

Mr. ASHURST. Twenty-three thousand millionaires were made by the war. I wish the Senator would give me the name of a farmer who made a million dollars during the war.

Mr. THOMAS. I do not think I can give the name of a farmer who made a million dollars during the war.

Mr. ASHURST. And I do not think anybody else can.

Mr. THOMAS. But will the Senator base his vote upon a vastly important legislative measure upon the fact that the war made 23,000 millionaires, and not a farmer can be found among them? I can not think he will.

Mr. ASHURST. No; Mr. President, if the Senator will yield to me. I only insist that when 23,000 men in other walks of life disregard the law of God and man and steal the State and the Nation blind, it ill becomes the Senate and the House to discriminate against a class that showed itself to be honest.

Mr. THOMAS. Mr. President, this statement assumes that we made these millionaires by legislation. Pretty nearly every man in the United States—there are some exceptions—who had the opportunity to profiteer during the war or before the war or since the armistice did so, and I do not care whether he was a farmer or not. I know that the farmers were clamoring for the very highest prices they could get. They had a right to do so. I have heard the complaint made on this floor that if the Government had not interfered to fix the price of wheat it would have gone to \$5, and that the farmer should have had it. Would that have been profiteering or not? During the war no opportunity was missed to secure increased wages by the organized labor of the country. Was that profiteering? The average middle class prospered hugely during the war. Some of them became millionaires. Is that profiteering?

Mr. President, the difficulty is that we are prone, like the Senator from Arizona, to single out a few of the conspicuous instances of profiteering, and then draw deductions which assume that they are the only ones who profited or made any money during the war. There were fortunes made during the war unlawfully and illegally. Such conduct is infamous, and I will go as far toward denouncing it and seeking to correct it as the Senator from Arizona will. I do not propose, however, to accept a new doctrine based upon the proposition that some men have profited unduly during the war, and that none of them belong to a certain class.

Mr. WALSH of Montana. Mr. President, I should like to ask the Senator if he ever knew a farmer who made a million dollars in time of peace?

Mr. THOMAS. Yes; I have known a few—a very few. I think, however, it is the glory of the agricultural industry that its followers belong to the middle class, and are not conspicuous in being overburdened with wealth. The institutions of this country rest upon its great middle class.

Mr. ASHURST. Mr. President, will the Senator yield to me?

Mr. THOMAS. I yield.

Mr. ASHURST. I agree that they are the middle class. They are between the upper and the nether millstones. They are right in the middle.

Mr. THOMAS. Yes; that seems to be true just now.

Mr. REED. Mr. President—

Mr. THOMAS. They have anarchists and reformers and God knows what upon one side, and upon the other organizations which are competing for public favors and for privileges from the Congress of the United States, and getting them, and getting them very largely, too, by Democratic votes.

I yield to the Senator from Missouri.

Mr. REED. This middle class must eat, and I was about to ask if this bill to increase the price of all they eat would be a very great aid to them in getting what they want to eat.

Mr. THOMAS. Yes; they eat, but if I properly understand the drift of the remarks of the Senator from Arizona, he proposes now to enable the farmers to profiteer and make millions themselves by levying toll upon this middle class which eats. He abhors the idea of profiteering to the extent of millions, unless opportunity be given to the farmer by law to indulge in that unholy pursuit.

Mr. STANLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Kentucky?

Mr. THOMAS. I yield.

Mr. STANLEY. Does not the Senator believe that if it is true that many millionaires have been made in other businesses, dishonestly made, by the unfair aid of the Government in using the taxing power for the personal aggrandizement of men in industrial life, that now the Government is under a moral obligation to continue the thievery by extending the benefit to those who have not gotten in on any previous steal?

Mr. THOMAS. Mr. President, there is no such thing as a moral obligation in public life that I can perceive, and let me say to the Senator from Arizona before he leaves the Chamber—

Mr. ASHURST. I am merely going to the rear of the Chamber. I will not leave while the Senator is speaking.

Mr. THOMAS. While it may be true, and probably is, that a great many men were made millionaires during the war, they form a very small proportion of the millionaires and multimillionaires who derived their profits from the operation of these very tariff bounties which the Senator proposes to extend to all men that everyone can enjoy them, and the only comfort I get out of the situation is, that after everybody is protected, and everybody has his hand in the pocket of everybody else, and everybody can get rich under the law by plundering everybody else, the privilege will cease to be of value to anyone. The Government may go to the devil in the meantime, but that is an outside consideration.

Mr. WILLIAMS. May I ask the Senator, would it not be a good deal like Tittlebat Titmouse's statement when he was elected to Parliament, he would give everybody everything without costing anybody anything?

Mr. THOMAS. I quoted Tittlebat Titmouse a day or two ago. So far as the Senator from Texas is concerned, I reciprocate his kindly feelings, and I regret that what I said caused him any pain. But I have said nothing to take back. The Senator has retaliated by calling attention to the fact that I was an independent candidate for the Senate against the regular Democratic nominee. That is true. I was tendered a nomination on the primary ticket by my own party, and I declined it. I did so because I was unable to accept the new Democratic doctrine regarding the Nation's foreign relations. I do not know whether I would have been nominated or not had I accepted, and I do not care; but I have not yet reached the point, Mr. President, where I will accept even a Democratic nomination for the high position of Senator of the United States if it involves a sacrifice of principle and of my convictions of duty as I am given to see it. I did afterwards become an independent candidate—not much of a one; I did not get many votes—and I do not care who knows my reason. Under the operation of the primary laws of the State of Colorado the Nonpartisan League of North Dakota captured the organization of the party to which I belong. It nominated the principal candidates. The Democratic nominee for the United States Senate was either silent about or gave his adhesion to the Nonpartisan League. That was not very satisfactory to a great many Democrats, men who had



theretofore acted and operated with the Democratic Party. To induce those men to come to the polls and aid in defeating the Nonpartisan League ticket, masquerading in the name of Democracy, I became an independent candidate, and I have no apologies to make for it. I would do it again to-morrow under the same conditions. I shall continue, as long as I am able, physically and mentally, to take an active part in politics, to do what I can to shield my party from such controlling influences. It should never become the asylum of such undemocratic organizations as the Nonpartisan League.

If that puts me outside the Democratic Party, well and good; I will accept the verdict. If the party is to be controlled by such influences it is not fit to live, and no longer has excuse for offering itself for the favorable consideration of the public. No party can live upon traditions. If it attempts to do so, it first stagnates, and then dies. I see very little hope for its future when I look around and see Democrats not only voting for but actively supporting a measure like this, which is the absolute negation of the fundamental principles of their party. It is class legislation; it is discriminatory legislation; it is deceptive legislation; it is hypocritical legislation; it is legislation in the interest of the classes as against the masses; it is a deliberate prostitution of the taxing power of the Government. You propose to exercise it for the purpose of taking money out of my pocket and putting it in the pocket of my neighbor.

Mr. WILLIAMS. And for the purchase of votes.

Mr. THOMAS. And for the purchase of votes. It is the political power in the organizations behind this bill which is forcing Senators upon both sides of this Chamber to get behind it, with apparent enthusiasm at least. It will pass; yes. It is political expedience; so also is the \$100,000,000 appropriation for good roads to be placed on the Post Office bill by amendment. It will pass; yes. Mr. President, what are we here for except to carry out schemes of political legislation designed either to rob the consuming public or the Treasury of the United States? I do not know which is worse. We agreed to an amendment to a bill the other day appropriating twelve or fifteen million dollars for the building of hospitals for disabled soldiers. Before that left the Chamber it became redolent with the aroma of the pork barrel, different localities eagerly competing for the expenditure of that money for hospitals throughout the country, with little regard for anything beyond the local advantage thus attained.

Mr. President, I shall not protest this legislation again. In the face of organized local demand, protest, however much demanded, is hopeless. Ephraim will join his idols. The Republican revenue doctrine becomes supremely effective, and the good work of class legislation goes merrily on.

Mr. GRONNA. Mr. President, I shall take only a few moments of the time of the Senate. I do not wish to delay the passage of this bill, and I do not wish to prevent the Senate having an opportunity to vote not only on this bill but on other important measures which are now pending before Congress. I am studiously avoiding taking any time to discuss this measure. I have contented myself by asking a few questions only.

Mr. President, there is legislation pending before this body and the House which is of great importance to the American people; and I want to mention one measure to which the two great parties are committed, and that is the cold storage bill. The conference report upon that bill is now upon the table, and it ought to be disposed of. In his opening speech at the Chicago convention, the distinguished Senator from Massachusetts [Mr. LODGE], the leader on this side of the Chamber, said he favored such legislation. The leader of the Democratic Party, the distinguished gentleman from Ohio, Gov. COX, said in his speeches that he favored such legislation.

Mr. President, briefly, what is the history of the cold-storage legislation which is now pending before this body? Nearly two years ago bills were being considered in the Senate and in the House. For 10 months the two bills have been in conference. They have been considered, and all sides and phases of the question have been discussed. But, Mr. President, I find that there is an effort now to defeat that legislation, and I am going to talk very plainly this morning and tell the Senate and the country who is responsible for strangling the legislation.

Mr. KENYON. Mr. President, will the Senator explain just where that proposed legislation is? Is it in the form of a conference report on the bill?

Mr. GRONNA. Yes, Mr. President; nearly two years ago bills were introduced in the Senate and in the House providing for cold-storage legislation. Hearings were held upon the House and the Senate bills. Men interested in this question, the so-called cold-storage men, appeared before the committees, and the cold-storage men approved the Senate bill and the cold-storage men approve this conference report which is now pending before the Senate, with perhaps only one or two exceptions.

But in the face of that I charge that the attorneys for the packers are here now trying to defeat this legislation because we have seen fit to include such articles of food as cured meats.

Mr. KENYON. Mr. President, I would like to ask the Senator, if the packers are here trying to defeat this legislation, what is the use of wasting any time in trying to pass it? They seem to be more powerful than the American Congress.

Mr. GRONNA. I agree with the Senator. I talked with one of the attorneys this morning about this. I am one of those who are willing to see the representatives of any organization, of any civic or any business organization—and I shall not give his name—but I asked him this question: "Are you opposing the conference report on the cold storage bill?" He would not give a straight answer, but he said he was not opposing the bill as it passed the Senate. I told him that was not the question before the Senate; that he knows, as every man knows, that we either must vote this conference report up or vote it down.

I am making no threats, but I serve notice now that unless the conference report on the cold storage bill is taken up, so that we may have an opportunity to vote on it, it will not be the only measure that will fail to pass at this session of Congress. We have considered the measure for months and for years, and now, because the attorneys for the packers come here and say that we must take out cured meats, that we must extend the period for precooling from 10 to 20 days, the measure shall fail.

Mr. KENYON. May I ask the Senator this question? I am flooded with telegrams about the matter this morning and I expect other Senators are. Has the Senator any suspicion that the packers may have instigated the sending of the telegrams?

Mr. GRONNA. There is no doubt about it. I will say to the Senator frankly that the butter people were here and they were dissatisfied, but I think we have convinced the butter people that the bill is not going to hurt them.

The American people are entitled to two things: They are entitled to food at reasonable prices, and they are entitled to have food which is wholesome, and this bill will give those two things, because the bill, if enacted into law, will outlaw the food that has been in cold storage for more than 12 months, and that simply means that all articles of food as enumerated in the bill must be upon the markets inside of 12 months, which prevents hoarding and which protects the people from exorbitant prices.

Mr. SMOOT. Mr. President, the only protest I have received on the cold-storage bill came from a party writing me a letter, which I handed to the Senator yesterday, with reference to frozen eggs. I have received no telegram, and I have received no other letter. Not a single person has called upon me in opposition to the conference report, and I have not understood that there is any opposition to it. I have never heard that view expressed in the Senate Chamber, and I thought the Senator was simply waiting until the pending bill is out of the way, when the conference report may be called up.

Mr. GRONNA. I shall do that; and I am simply giving notice now. I had a talk this morning with this attorney to whom I have referred, and I observed that he was quite determined that if the term "article of food" is not changed there is going to be trouble. I wish to read to the Senate the terms of food as agreed upon by the conferees, to show that we are not trying to favor the farmer:

- Section 2, subsection (d). The term "article of food" means meat, meat products, including all edible portions of food animals, poultry and game, whether drawn or undrawn, fish, shellfish, oysters, and clams; if fresh, cooked, prepared, cured, or frozen;
2. Eggs or portions thereof if in shell, dried, or frozen;
3. Butter, oleomargarine, lard, lard substitutes, butter and butter substitutes, and cheese;
4. Oils for food purposes; and
5. Milk, evaporated or powdered.

I desire to say that, so far as the farmers of the country are concerned—and I believe I have a right to speak for them—we do not want to dispose of farm products that are not edible articles of food and wholesome. We are as anxious as anyone can be to get goods to the consumer in a fresh condition. We do not propose to let the middleman have the opportunity to say that it is the fault of the farmer. The farmer is not complaining because his products are included, and we have included all the products of the farm in the bill.

Mr. SMOOT. Mr. President, if I were the Senator, at the first opportunity, when the pending bill is out of the way, I would call up the conference report. It is a privileged question, and I do not think he is going to find any opposition to it. In fact, really, I do not know of anyone opposed to it. I have not heard any Senator speak about it.

Mr. GRONNA. I am very glad to have the assurance of the Senator from Utah.

Mr. SMOOT. I will assure the Senator from North Dakota that so far as the Senator from Utah is concerned, he will help him get the conference report up and help him pass it.

Mr. GRONNA. I appreciate that. I am simply taking this thing by the forelock because, as the saying is, a stitch in time saves nine, and I do not want these people who have been so successful in obstructing other legislation which this body has passed to have the same opportunity to strangle this bill, not only because the committee has for two years been at work upon it, but because the people of the United States are entitled to wholesome food at reasonable prices, and the bill will help to do those two things. So I give notice now that just as soon as the pending bill has been disposed of I shall move to take up the conference report.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee, on which the yeas and nays have been ordered.

Mr. JONES of New Mexico. Mr. President, I should like to have the question stated.

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The ASSISTANT SECRETARY. On page 5, beginning in line 21, it is proposed to insert:

23. Milk, preserved or condensed, or sterilized by heating or other processes, including weight of immediate coverings, 2 cents per pound; sugar of milk, 5 cents per pound.

The PRESIDING OFFICER. The roll will be called on agreeing to the amendment of the committee.

The reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I have a general pair with the junior Senator from South Dakota [Mr. JOHNSON]. I transfer that pair to the junior Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. POMERENE (when his name was called). I have a general pair with the senior Senator from Iowa [Mr. CUMMINS]. I transfer that pair to the senior Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. TOWNSEND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer my pair to the junior Senator from Maryland [Mr. FRANCE] and vote "yea."

Mr. WILLIAMS (when his name was called). Transferring my general pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Arizona [Mr. SMITH], I vote "nay."

Mr. WOLCOTT (when his name was called). I transfer my pair with the Senator from Indiana [Mr. WATSON] to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. GLASS. I transfer my pair with the senior Senator from Illinois [Mr. SHERMAN] to the Senator from California [Mr. PHELAN] and vote "nay."

Mr. KENDRICK (after having voted in the affirmative). I wish to state that I have a general pair with the Senator from New Mexico [Mr. FALL], but I understand that he would vote as I have voted. Therefore I feel free to vote and allow my vote to stand.

Mr. LODGE (after having voted in the affirmative). I have a general pair with the Senator from Georgia [Mr. SMITH], who I think has not voted. I transfer my pair to the Senator from New Mexico [Mr. FALL] and allow my vote to stand.

The result was announced—yeas 46, nays 29, as follows:

## YEAS—46.

Ball	Gronna	Lenroot	Ransdell
Brandegee	Hale	Lodge	Sheppard
Calder	Henderson	McCormick	Smoot
Capper	Johnson, Calif.	McCumber	Spencer
Colt	Jones, N. Mex.	McLean	Sterling
Curtis	Jones, Wash.	McNary	Sutherland
Dillingham	Kellogg	Moses	Townsend
Elkins	Kendrick	Myers	Wadsworth
Fernald	Kenyon	Nelson	Warren
Frelinghuysen	Keyes	New	Willis
Gay	Knox	Phipps	
Gooding	La Follette	Poindexter	

## NAYS—29.

Beckham	Harrison	Reed	Underwood
Borah	Healin	Simmons	Walsh, Mass.
Culberson	Hitchcock	Smith, Md.	Walsh, Mont.
Dial	Kirby	Smith, S. C.	Williams
Fletcher	McKellar	Stanley	Wolcott
Gerry	Overman	Swanson	
Glass	Pittman	Thomas	
Harris	Pomerene	Trammell	

## NOT VOTING—21.

Ashurst	Gore	Page	Smith, Ariz.
Chamberlain	Johnson, S. Dak.	Penrose	Smith, Ga.
Cummins	King	Phelan	Watson
Edge	Newberry	Robinson	
Fall	Norris	Sherman	
France	Owen	Shields	

So the amendment of the committee was agreed to.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. H. Overhue, its assistant enrolling clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15543) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes; agreed to the conference requested by the Senate; and had appointed Mr. Wood of Indiana, Mr. Wason, and Mr. Sisson managers of the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11984) to increase the force and salaries in the Patent Office, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses to the amendments of the Senate to the bill (H. R. 15130) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1922, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate numbered 32, 37, 39, 66, 70, 72, 91 to 122, inclusive, 140, 148, 149, 154, 162, 168, 169, 205, and 206, and had agreed to the same; and it had receded from its disagreement to the amendments of the Senate numbered 127, 132, 151, 193, 198, and 223, and had agreed to the same, each with an amendment.

## ENROLLED BILLS.

The message also announced that the Speaker of the House had signed the following enrolled bills:

H. R. 12157. An act to amend an act of Congress approved June 30, 1913;

H. R. 13606. An act granting the consent of Congress to the city of St. Paul, Minn., to construct a bridge across the Mississippi River;

H. R. 14311. An act to authorize the improvement of Red Lake and Red Lake River, in the State of Minnesota, for navigation, drainage, and flood-control purposes;

H. R. 15011. An act authorizing the Secretary of the Interior to offer for sale remainder of the coal and asphalt deposits in segregated mineral land in the Choctaw and Chickasaw Nations, State of Oklahoma;

H. R. 15131. An act to authorize the construction of a bridge across the Hudson River between the city of Troy, in the county of Rensselaer, and the city of Cohoes, in the county of Albany, State of New York;

H. R. 15271. An act granting the consent of Congress to the Majestic Collieries Co. to construct a bridge across the Tug Fork of Big Sandy River, at or near Cedar, in Mingo County, W. Va., to the Kentucky side, in Pike County, Ky.; and

H. R. 15750. An act to authorize the construction of a bridge across the Little Calumet River, in Cook County, State of Illinois, at or near the village of Burnham, in said county.

## REFUND OF INCOME TAXES.

Mr. SMOOT. Mr. President, on January 18, 1921, the Senate passed a resolution, which had been introduced by myself, calling upon the Secretary of the Treasury for certain information. It is now nearly 30 days since that resolution passed and yet no response whatever has been made to it. The resolution calls for the following information:

The number of claims for refund, abatement, or credit against assessments of income (including surtax), excess-profits, and war-profits taxes for the years 1917, 1918, and 1919, now filed in the Treasury Department or any division thereof; the aggregate amount of such claims and an estimated proportion of said aggregate attributable to, first, erroneous assessment; second, stock dividends; third, obsolescence of war property; and, fourth, obsolescence of property of those whose business was terminated by prohibition legislation; the policy and basis, together with methods of computation for allowances as to good will; and as to whether a proper allowance for the claims so filed was made in the financial reports of the Treasury Department.

Mr. President, if I am correctly informed by men who are employed in the Treasury Department, there is on foot at the present time a plan to return to the liquor interests of the United States \$1,000,000,000 from the Treasury of the United States under the rulings of the Treasury Department. If that is so, I think we ought to have a report upon the matter just as quickly as possible. Therefore, I wish to give notice now that if there is not a report made upon the resolution within a very few days I shall ask the chairman of the Committee on Finance to call a meeting of that committee, and I shall then ask the committee to call before it the officials who have the subject in hand. We shall then learn, perhaps, what is the true condition.

Mr. FRELINGHUYSEN. Mr. President, I simply wish to say in regard to the statements which have been made by the Sen-



ator from Utah that \$1,000,000,000 of exemptions under the ruling of the Treasury Department is a moderate estimate. I am informed that the exemptions which will be granted, and which the Treasury will eventually be called upon to pay, amount to between two billion and four billion dollars. That is the information that comes to me under a ruling which has been made by the Internal-Revenue Section of the Treasury Department.

That ruling is as follows:

Under section 214 (a) 8 of the act, "a reasonable allowance for obsolescence."

In this case reference is made to the first paragraph of A. R. M. 34, Bulletin 10-20, as follows:

"The committee has considered the question of providing some practical formula for determining value as of March 1, 1913, or of any other date, which might be considered as applying to intangible assets, but finds itself unable to lay down any specific rule of guidance for determining the value of intangibles which would be applicable in all cases and under all circumstances. Where there is no established market to serve as a guide the question of value, even of tangible assets, is one largely of judgment and opinion, and the same thing is even more true of intangible assets, such as good will, trade-marks, trade brands, etc. However, there are several methods of reaching a conclusion as to the value of intangibles which the committee suggests may be utilized broadly in passing upon questions of valuation, not to be regarded as controlling, however, if better evidence is presented in any specific case."

and to T. B. R. 44 (shown in carbon copy of the original, in the files, in that part where basis for policy for allowance as to good will is stated):

"A departure from which (the time rule of valuation) should be allowed only when the deduction provided thereunder does not meet the statutory requirement of reasonableness \* \* \* and, therefore, when the ordinary rule does not produce a reasonable result, the statute requires that another and a reasonable method be adopted in a particular case or class of cases."

As I understand, exemptions of taxes are being granted by the Internal Revenue Bureau to brewers, to distillers, and to liquor dealers which in some cases amount to five times the sum allowed to other corporations and individuals for good will; in other words, Congress will have to face an appropriation for exemptions amounting to \$2,000,000,000 to be returned to distillers, liquor dealers, and saloon keepers of the country.

I think it the duty of the Finance Committee to call the Chief of the Internal Revenue Bureau before it and to ascertain whether, under the ruling of that bureau, the Treasury is going to return these amounts to the liquor dealers and distillers of the country, and the reason which they give for such action.

In most instances the property owner, the taxpayer, is compelled to sue for a return, but in this case, through a simple ruling, the Treasury is going to be looted to the extent at least of \$2,000,000,000. I think it is time Congress should ascertain further facts in regard to the matter and stop this costly practice.

#### DEPARTMENT OF EDUCATION—MEMORIAL.

Mr. REED obtained the floor.

Mr. GRONNA. Will the Senator yield to me for a moment?

Mr. REED. I yield.

Mr. GRONNA. Out of order, I present a memorial from the Knights of Columbus of Minot, N. Dak., and I ask that it may be noted in the Record and properly referred.

The PRESIDING OFFICER. The Chair will call the attention of Senators to the following rule of the Senate:

It shall not be in order to interrupt a Senator having the floor for the purpose of introducing any memorial, petition, report of a committee, resolution, or bill. It shall be the duty of the Chair to enforce this rule without any point of order hereunder being made by a Senator.

Mr. GRONNA. I thought the Senator from Missouri was just getting ready to proceed.

The PRESIDING OFFICER. The Senator from Missouri has been recognized.

Mr. REED. I will yield the floor, and obtain it afterwards.

The PRESIDING OFFICER. The Senator from Missouri now yields the floor, and the Senator from North Dakota may present his memorial.

Mr. GRONNA. I present a memorial from the Knights of Columbus, of Minot, N. Dak., protesting against the enactment of the so-called Smith-Towner educational bill, and ask that it be referred to the Committee on Education and Labor. I thank the Senator from Missouri.

The PRESIDING OFFICER. The memorial will be referred to the Committee on Education and Labor.

#### PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had to-day approved and signed the bill (S. 578) providing for the survey of public lands remaining unsurveyed in the State of Florida, with a view of satisfying the grant in aid of schools made to said State under the act of March 3, 1845, and other acts amendatory thereof.

#### EMERGENCY TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15275) imposing temporary duties upon certain agricultural products to meet present emergencies, to provide revenue, and for other purposes.

The PRESIDING OFFICER. The next amendment will be stated.

The READING CLERK. The pending amendment of the committee is, on page 5, after line 23, to insert the paragraph now numbered 24, as follows:

24. Wrapper tobacco, and filler tobacco when mixed or packed with more than 15 per cent of wrapper tobacco, and all leaf tobacco the product of two or more countries or dependencies when mixed or packed together, if unstemmed, \$2.85 per pound; if stemmed, \$3.50 per pound; filler tobacco not specially provided for in this section, if unstemmed, 35 cents per pound; if stemmed, 50 cents per pound.

The term wrapper tobacco as used in this section means that quality of leaf tobacco which has the requisite color, texture, and burn, and is of sufficient size for cigar wrappers, and the term filler tobacco means all other leaf tobacco.

Mr. SIMMONS. Mr. President, I realize that there is an understanding, which this side of the Chamber earnestly desires to carry out, that there shall be a vote upon the bill some time during the calendar day. For that reason, while I feel it necessary to place in the Record certain data and to discuss two or three of the items that are of especial interest to my constituents, I shall try to do so with as little elaboration of argument as is possible.

Mr. President, the argument has been repeatedly made in the discussion that not only the tariff laws of the past but that the existing laws upon that subject discriminate against agriculture and in the interest of manufactures, and that, as a result, most of the things the farmers make is upon the free list, while most of the things they have to buy is upon the dutiable list. That is the basis of many of the arguments made by those Senators on this side of the Chamber who propose to vote for this iniquitous and undemocratic piece of legislation. They have discussed the bill upon the theory that there are no duties upon the products which the farmer produces, while there are exorbitantly high or prohibitive duties upon the products he buys. This contention as respects the present tariff law is not sustained by the facts. I do not mean to say that the present tariff carries protective or primarily protective duties either for agricultural or for manufactured products, but I do mean to say that the present law carries tariff duties upon agricultural products, where a duty can be of any benefit whatsoever in producing revenue or in affording incidental protection, just to the same degree and extent as it carries duties upon manufactured articles where those duties will produce revenue and, at the same time, will afford that incidental protection which results from the imposition of tariff taxes whether imposed for protection or for revenue.

The PRESIDING OFFICER (Mr. Jones of Washington in the chair). In the absence of objection, permission to do so will be granted.

[The table referred to will be found at the conclusion of the remarks of Mr. Simmons.]

Mr. SIMMONS. Mr. President, there are about 75 agricultural items included in this table upon which there is a duty in the present law. It is true that upon some of our staple products of agriculture there is no duty in the present law, but as to those particular products, certainly as to most of them, the production and exportations of them are of such character that duties upon importations would raise no revenue and could not have any appreciable effect upon the price of the American product. Notable among those products is corn, although corn is included in this bill and a duty is imposed on it of 15 cents a bushel—I do not think there is a Senator in this Chamber, I do not think there is a Member of the House of Representatives, who believes that a duty upon corn can or will affect, one way or another, the price of corn which is produced in this country or that it will raise any appreciable amount of revenue.

As has been said in the debates here, all the corn imported into this country during the years when importations have been highest would not equal the amount of corn annually produced in two counties in the great corn-growing State of Illinois. From a knowledge of the facts relative to the imports and from a knowledge of the amount of corn produced in certain counties in my State, I confidently state that our average annual importations of corn would not equal the quantity of corn grown in three counties in my State, and my State is not counted as one of the chief corn-growing States. There is in the present law no duty upon corn, but the farmer can not complain that he is discriminated against on that account, because a duty upon it, even though he were asking for protection and wanted protection, and he is not, would do him no good.

Mr. STANLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator yield to the Senator from Kentucky?

Mr. SIMMONS. I yield.

Mr. STANLEY. The pending bill in the tobacco schedule provides for a duty upon wrapper tobacco—

Mr. SIMMONS. If the Senator will pardon me, I do not wish to discuss tobacco just now. I would rather he would wait; I will come to that later.

Mr. STANLEY. I beg the Senator's pardon; I thought he was discussing the tobacco schedule, and I wished to ask the Senator a question in regard to it.

Mr. SIMMONS. No; I was speaking of corn.

Mr. STANLEY. Very well, I will wait.

Mr. SIMMONS. However, Mr. President, I will come to the question of tobacco right now. There are certain tobaccos raised in this country of a special grade and quality—

Mr. STANLEY. If the Senator is going to discuss the tobacco provision now, in the incipency of his remarks, if he will permit an interruption, I should like to ask him a question, for I know how thoroughly versed he is as to every detail of the measure. The bill provides a duty upon wrapper tobacco, and further provides a duty on all leaf tobacco "the product of two or more countries or dependencies, when packed together," and on filler tobacco at 35 cents a pound if unstemmed and 50 cents a pound if stemmed. Is not that applicable only to cigar tobacco? Is there any other tobacco that is covered by this schedule except cigar tobacco?

Mr. SIMMONS. I will say, if the Senator will pardon me, that the duty carried in the bill upon filler tobacco is the same as that carried in the present law; that is, 35 cents a pound on the unstemmed and 50 cents a pound on stemmed tobacco. The only change from existing law in connection with this schedule is with reference to wrapper tobacco, the duty on which is raised from \$1.85, as provided in the present law, to \$2.85, I think, in the pending bill.

Mr. STANLEY. But under the pending bill the duty applies to cigar tobacco. Is there a duty upon any other kind of tobacco coming into this country?

Mr. SIMMONS. In the present law?

Mr. STANLEY. Yes.

Mr. SIMMONS. Yes; there is.

Mr. STANLEY. I do not think there is any in this bill, if the Senator will pardon me.

Mr. SIMMONS. Yes; there is a duty upon certain tobaccos coming into this country that are not for wrappers.

Mr. THOMAS. Not in this bill.

Mr. SIMMONS. In this bill?

Mr. STANLEY. That is what I mean. What I want to get at is this: The bill provides an increased duty only for cigar tobaccos.

Mr. SIMMONS. Yes.

Mr. STANLEY. As I understand, the peculiar type of tobacco which is provided for in this bill is only raised to any extent in one small section of one small State.

Mr. McLEAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Connecticut?

Mr. SIMMONS. It is not raised exclusively in that State, but it is the purpose—

Mr. STANLEY. There is some filler tobacco raised in Pennsylvania, I understand, and also in Wisconsin.

Mr. SIMMONS. Mr. President, the great bulk of the tobacco raised in this country is of a grade which is not raised anywhere else in the world. The kind of tobacco which we grow in North Carolina, South Carolina, Virginia, and I think Kentucky is not imported into this country at all, while large quantities of it are exported. There are no importations but large exportations, and, therefore, a duty upon importations would be of no value to that class of tobacco farmers; but there are some tobaccos grown in this country that are competitive.

Mr. STANLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Kentucky?

Mr. SIMMONS. I yield.

Mr. STANLEY. If the Senator will allow me to interrupt him further, I am not in favor of a duty upon any kind of tobacco, at any time, anywhere, although more than one-third of all the tobacco produced in the United States is grown in Kentucky.

I wish to say, however, that the Senator is more generous than he claims to be. The cigarette tobacco, the light tobaccos that are grown in the Senator's State, tobacco grown in my State, and the lighter leaf tobacco, comes into active competition with the cigarette tobaccos imported from South America and from Turkey. They are used interchangeably. A duty upon such tobaccos, upon cigarette tobaccos, and the lighter pipe tobacco

would in a way, possibly, give the appearance of a benefit to the farmer who is producing them; but it would not be of any real benefit, on account of the enormous quantity exported. What I am driving at is that the argument that the Connecticut tobacco should have increased protection on account of competition with Cuban tobacco is equally applicable to five times the amount of tobacco that was ever grown in Connecticut in any one year, for which we are not asking one cent protection.

Mr. SIMMONS. Mr. President, I think the whole tobacco situation may be stated, in this way: Wherever there is any tobacco of a kind and character that comes into direct competition with the kind of tobacco that is produced in this country, under the present law there is a duty upon that tobacco; but the great bulk of the tobacco that we produce in this country is not of a character that is produced elsewhere, and the duty upon it is of no benefit to the farmers who raise that character of tobacco. Some types of tobacco, besides the Connecticut wrappers, which are grown in this country, come in competition with foreign types of similar character, and the duties of the present law applies to them, but they constitute a small part of our annual production.

Mr. STANLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield further to the Senator from Kentucky?

Mr. SIMMONS. I do.

Mr. STANLEY. The point to which I am calling the Senator's attention is the absolute unfairness of this measure, and I am as strongly against it as the Senator is in that it does not even pretend to be just in this tobacco schedule. It puts an increased duty upon cigar tobaccos alone, and I find no place in it where there is any such increased duty upon the lighter tobaccos that are imported in thousands of pounds. For instance, we are importing about 3,000,000 pounds of tobacco from Greece, Turkey, Mexico, and other countries, a great deal of which is not cigar tobacco at all, and is not covered in this bill, as I understand.

Mr. SIMMONS. The Senator is in the main correct, but I think he has the matter slightly confused. The provision in the present bill increasing the duties on wrapper tobacco is one that was presented by the Senator from Connecticut, and it was intended to increase the existing duty upon a certain kind of wrapper tobacco which is grown almost exclusively but not altogether in the State of Connecticut, and grown there under cover. Under the present law that tobacco is dutiable at \$1.85 unstemmed and \$2.50 stemmed, and that is raised in this amendment to \$2.85 and \$3.50, respectively.

Mr. STANLEY. I understand.

Mr. SIMMONS. If stemmed, it is raised to \$3.50; unstemmed to \$2.85; so that the increase is \$1 a pound.

Mr. McLEAN. Mr. President, if the Senator will permit me—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Connecticut?

Mr. SIMMONS. I do.

Mr. McLEAN. I think the Senator from Kentucky has not read this bill.

Mr. STANLEY. Yes; I have read this bill. I find nothing in this bill touching any kind of tobacco except the cigar tobaccos, and that is the information I was asking for.

Mr. McLEAN. It is the view that is now expressed by the Senator from Kentucky that leads me to believe that he has not read the bill. If he has, I do not think he understands it, because the old duty is retained—

Mr. SIMMONS. That is what I stated in the beginning.

Mr. McLEAN. The old duty is retained on all other kinds of tobacco which comes in as filler tobacco. The definition of the word "filler," as the Senator will read, is that it means all other leaf tobacco; so that there is a duty on everything that is not used for wrappers.

Mr. STANLEY. Does not the Senator from Connecticut know that the term "filler tobacco" is a technical term, and applies to tobaccos that make the central part of a cigar, and does not apply to a leaf tobacco that could be used for smoking or cigarette purposes?

Mr. McLEAN. I should think so if the law itself did not state that the term "filler tobacco" means all other leaf tobacco.

Mr. STANLEY. That is, other leaf tobacco for cigar purposes, as I understand; in any event there is no increased duty upon leaf tobacco.

Mr. McLEAN. Oh, no; not at all. Anything that comes in as a filler pays a duty of 35 cents, and it applies to all other kinds of tobacco.

Mr. SMITH of Georgia. Whether it fills a cigarette or a cigar.

Mr. McLEAN. Why, certainly.



Mr. SIMMONS. Mr. President, I do not think there can be any doubt about that. There is in the present law a duty that is applicable to all kinds of tobacco, but the point I am making is that only a very small proportion of the tobacco that is raised in this country is of a kind that is imported into this country, and therefore the duty on tobacco under the present law is of no benefit, was not expected to be of any benefit, and can not be of any benefit to any tobacco grower, except the grower of certain specific grades that are raised chiefly in Connecticut and Florida. This amendment is introduced not for the purpose of changing the present law with reference to the duty on tobacco ordinarily and generally grown here, and of which there are practically no importations, or with reference to certain special types grown to limited extent in several States and which comes in competition with foreign-grown tobacco, but for the purpose of raising the duty upon a particular kind of wrapper tobacco grown chiefly in Connecticut, and grown there, as I stated a while ago, altogether under cover. It is a very high grade of wrapper tobacco. It has always carried under every tariff bill a high rate of duty. Under the Republican tariff and under the Democratic tariff this tobacco has borne a high duty.

Mr. McLEAN. Yes.

Mr. SIMMONS. But that duty—and that is the point I wish to make—is, in the nature of things, applicable only to a very insignificant quantity of the tobacco grown in this country, because we do not import tobacco except of certain grades not grown in this country to any considerable extent.

Mr. McLEAN. Mr. President, if the Senator will pardon me, I assume that the rate of \$1.85 per pound was retained in the Underwood bill, which was supported by the Senator from North Carolina, because of the fact that tobacco is a luxury as well as a necessity, and that the duty in part is defensible as a revenue duty.

Mr. SIMMONS. Oh, undoubtedly tobacco is a luxury, and a duty upon tobacco is a revenue duty, and the duties imposed upon tobacco in the first instance were revenue duties, because we do import quite a lot of a character of tobacco not produced to any considerable extent in this country. Of the tobacco similar to that which is grown principally in the State of Connecticut there were imports last year to the extent of \$10,000,000, I believe. We do not raise enough to supply the demand for that character of tobacco. It can not be grown except under cover, as I understand, in the latitude of Connecticut. It may be grown to some extent down in Florida—I do not know—and there may be some in Pennsylvania.

Mr. BRANDEGEE. Mr. President, if the Senator will permit me to interrupt here, it is grown also to a very considerable extent, I am informed, in the State of Georgia—of an excellent quality, too.

Mr. McLEAN. And in Florida.

Mr. SIMMONS. Yes. I am not complaining about the duty on wrapper tobacco of the kind that is imported into this country, although I can see no justification for the increase asked for by the Senator from Connecticut, because it is a revenue duty; but what I am attempting to show here now is that it is impossible to help the ordinary tobacco farmer in this country by the imposition of a duty upon imports, because there are no imports into this country of the kind of tobacco that is generally grown.

Mr. SMITH of Georgia. We really export it.

Mr. SIMMONS. We export it in large quantities. Not one pound of the tobacco that is grown in my State—and it is one of the greatest tobacco-growing States of the Union—could be helped or benefited by an embargo duty upon tobacco, because not one pound of that kind of tobacco is imported or will be imported into this country; and the same thing is true of the tobacco that is grown in South Carolina and in Virginia, and I think it is also very largely true of the kind of tobacco that is grown in Kentucky.

Mr. President, we have discussed wheat. The Senator from North Dakota [Mr. McCUMBER] thinks that a high duty upon wheat will be beneficial in the present condition. I do not agree with the Senator. I do not agree that, even taking the relatively abnormal importations of wheat at this time, enough wheat is coming into this country to affect the price of the domestic product. We produced about 790,000,000 bushels of wheat during the last calendar year. We exported of that 206,500,000 bushels of wheat to January 1 of this year, while the total imports from Canada during the past calendar year did not exceed 38,000,000 bushels of wheat. Under these circumstances these Canadian imports were not competitive. They were merely supplementary. Every bushel of it, or its equivalent of American wheat, and five times as many more bushels were exported. You can not raise the price of the domestic

product—and this bill is confessedly and avowedly intended for the purpose of raising the prices of domestic products—by shutting out the relatively small amount of wheat coming from Canada—relatively small when compared either with our production or exports. You can not benefit the farmer by that process unless the importations coming into the country are in sufficient volume to affect the price of the domestic product and raise it up to the price level of the foreign product plus the duty that you impose upon it.

In the case of sugar, where we produce one half as much as we consume and buy the other half from abroad, if you put a duty upon the half that we import the effect of that is to raise the half that is produced in this country up to the price of the foreign product plus the duty imposed upon it.

But in the case of wheat, where we import a negligible quantity compared with our production and the exportations, it can not be true that the exclusion of these relatively small importations could have the effect of appreciably enhancing the price of the American product.

As I said on another occasion in this discussion, if the 28,000,000 bushels of wheat that came in from Canada during the last year have depressed the price of wheat in this country, then it would follow that if 28,000,000 more bushels of wheat had been raised in North Dakota last year than were raised in North Dakota and the entire crop of the United States had been in that year increased by 28,000,000 bushels, that fact would have depressed the price of wheat in this country. In 1919 we raised in this country over 200,000,000 bushels of wheat more than we raised in 1920, but the price was higher in 1919 than it was in 1920. This shows that a mere increase in the amount of wheat, whether that increase comes from importations from abroad or from a larger crop, does not affect the price in this country, because we have found a ready export market for every bushel of wheat we raise in excess of our needs for domestic consumption.

Mr. President, under these circumstances it looks like a vain thing to impose a duty upon wheat, especially as that duty will be aimed chiefly at our neighbor just across the border—Canada—and probably will result in retaliation on the part of Canada not only as to wheat exported from this country into that country, but other articles exported from this country into that country.

It is very well known that we export to Canada very much more than we import from Canada, and in a war of retaliation between this country and our neighbor we will inevitably get the worst of it, and we are inviting it when we impose a prohibitive duty upon wheat.

It is for these reasons, Mr. President, that the existing law does not place any duty except a conditional duty upon wheat, not for the purpose of discriminating against the farmer, not with a view of not giving him the same treatment in the disposition of tariff bounties that is given the manufacturer—certainly that was not the idea of the makers of the present tariff law—but because it was thought that under the circumstances reciprocal arrangements with importing countries would be both in the interest of the growers of wheat and the country.

Mr. President, I assert that if we eliminate certain of the great staple crops which we produce in this country far in excess of the domestic demand, and with reference to which we are on an exporting basis, and the price of which is controlled and established in the markets of the world and in no way affected by importations, should there be any, practically all our remaining agricultural products of which there are importations in such quantities as to affect the domestic price or afford revenue if taxed are on the dutiable list in the present law. Of the 75 articles contained in the list I have presented here showing the duties imposed upon agricultural products, I think 12 of them are included in the present bill. The difference is that the present bill proposes to make these duties practically prohibitive and to place an embargo upon the further importation into this country of the products involved.

Mr. President, I want also to put in the Record a statement as to the extent to which the duties imposed in this bill increase, not the duties contained in the present law but the duties imposed in the Payne-Aldrich law. Senators have been reminded frequently in these discussions that at the time of the consideration of the Payne-Aldrich law the duties proposed in that bill were so exorbitantly high that there was a revolt in this Chamber against the committee which brought in that bill, and that revolt precipitated probably one of the most sensational and in many respects one of the greatest debates that has ever taken place in this Chamber, certainly during my 20 years' membership. In that memorable discussion that great Republican orator from Iowa, Senator Dolliver, led the assault and marshaled against that Republican enactment all the puissant powers of his analytical mind and unsurpassed eloquence. He

did not succeed, but he aroused the public mind and heart to the inequities and the discriminations, the outrageous iniquities, the shocking wrongs of the duties proposed in that bill, and his overwhelming indictment and denunciation took lodgment in the conscience and minds of the people of the country, irrespective of party affiliations, irrespective of party sympathies, irrespective of prior views with regard to tariff principles, and largely out of the seed thus sown grew the fruitage of the great victory that overwhelmed the Republican Party in 1912 and placed the Democratic Party in control of the affairs of the Government, with a mandate so urgent that it at once proceeded to remedy those wrongs by reducing those outrageously high tariff taxes imposed by that law upon the people of this country. And, Mr. President, that party, expelled from power in this country in 1912 because, and almost solely because, of the revolt in the Republican Party and the country against the iniquitously high rates of the Aldrich bill, now forgetful of the past, upon its advent to power seizes the first opportune moment to come forward with a proposal to lay upon the backs of the people burdens compared with which those of the Payne-Aldrich bill would seem light.

Mr. President, having said this much about the Payne-Aldrich law I want to call the attention of the Senate to the extent to which this bill proposes to increase the Payne-Aldrich rate of duties—not the duties of the existing law, but the Payne-Aldrich duties—on the commodities embraced in its provisions.

They say these increases are to meet an emergency. Senators, be not deceived. It means more than that. It is a forecast of the character of the general revision we may expect at the extra session. There will be no question hereafter, as in 1909, about whether the rates are raised or lowered, whether the revision is one upward or one downward. This bill can not fail to indicate to the country that the rates of taxation to be imposed upon the people in the forthcoming general revision of the tariff are to run on parallel lines with those in this bill, and while they may not dare to make them quite so high their objective will be prohibition rather than readjustment of duties in the interest of the American producer of competitive commodities.

Mr. McCUMBER. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from North Dakota?

Mr. SIMMONS. I yield.

Mr. McCUMBER. Can the Senator tell me how it was, with such a pure and good law as the Simmons-Underwood tariff law, which was then in existence, and which was taking care so well of the public interest, that we had such an overwhelming change, and the people put in a high tariff Republican majority at the election in November? Even as good as it was, it seems to have failed to satisfy the American public.

Mr. SIMMONS. Mr. President, the Senator knows, every man of ordinary intelligence in this country knows, that the tariff was not the issue in the last campaign; it was not discussed except occasionally; it was not thought of by the people when they were making up their minds as to how they should vote. It had no influence at all upon the result of the recent election. If the campaign had been on the tariff and domestic questions, as in 1912, there would have been, I confidently believe, a different result.

But let me read those rates. On wheat, the first item in the bill, the duty proposed is 60 per cent increase over the Payne-Aldrich rate. On beans the duty proposed is 167 per cent increase over the Payne-Aldrich rate. On shelled peanuts the duty is 200 per cent increase over the Payne-Aldrich rate and on unshelled peanuts 500 per cent increase; on cottonseed and soya-bean oil, an increase from free to 20 per cent ad valorem; on lambs, an increase of 33 per cent over the Payne-Aldrich rate; on sheep, 33 per cent increase; on fresh meat, 33 per cent increase; on wool, first class, unwashed, 36 per cent; washed, 36 per cent; scoured, 36 per cent; second class, unwashed 25 per cent; washed, 150 per cent; scoured, 25 per cent. On sugar—and I am now speaking of the original committee amendment—there was proposed an increase of 199 per cent for sugar of 75° test, and for each additional degree there is an increase until upon the refined sugar it amounts to 189 per cent over the Payne-Aldrich rate.

Mr. HARRISON. I did not catch the figure which the Senator gave with reference to washed wool. What is the increase on washed wool over the Payne-Aldrich rate?

Mr. SIMMONS. On unwashed wool, second class, it is 25 per cent, and on washed wool it is 150 per cent.

Mr. HARRISON. One hundred and fifty per cent increase over the Payne-Aldrich rate?

Mr. SIMMONS. Yes. On all grades of molasses there is an increase of 200 per cent over the Payne-Aldrich bill; on butter and butter substitutes, cheese and cheese substitutes, an increase

of 33½ per cent; and an increase in the case of tobacco wrappers, stemmed, 40 per cent, and unstemmed, 54 per cent. Then there is an increase of 860 per cent on raw cherries.

We have heard a great deal lately about the necessity for passing hurriedly a new tariff bill because the enormous increase of importations, as it is charged, is threatening domestic industries. The Senator from Connecticut [Mr. McLEAN] a few days since intimated that the industrial life of the country was menaced by these, as he alleges, excessive importations, and if we are to preserve our industries' life as we have preserved our liberties against the assaults of Germany and the Central Powers, it is necessary that we should at once put up the bars and arrest these inundations of foreign products that are undermining and destroying the prosperity and menacing our industrial independence, and even existence. There is not the slightest foundation in the facts of the situation for these gloomy assumptions and forebodings of the Senator. Let us consider the facts with reference to importation into this country of foreign commodities.

We always have to consider importations in the light of exportations. I make the broad statement now, and I shall attempt to establish its verity by the citation of official statistics showing that comparing 1914, the last full year before the war, with 1920 there has been a relative decrease in importations, as compared with exportations, of at least three to one.

It was unfortunately true that for a long stretch of years this country pursued a policy of industrial isolation. Our country developed and grew, but it developed and grew slowly. It was not until after the Spanish-American War that the United States found itself and awakened to a realization of the fact that it was not only a great world military power but that there was before it a future in the industrial world which, if properly taken advantage of, would rapidly advance it to the front ranks of the great industrial nations of the earth. Who first saw that? The man upon whose mind first dawned that magnificent vision of the future potentialities of American trade and industry was the author of the McKinley law, who was at that time the greatest exponent and champion of the protective system in the world. To-day his name, more than that of any other man in our history, is linked with the idea of a protective tariff. He was the first man who saw it clearly and in the fullness of its potentialities.

Blaine had a glimpse of it when, while Secretary of State, he proposed certain reciprocity arrangements in the tariff measure then in the making. He saw the handicap of industrial isolation, and he proposed, supposedly against the views of his chief, President Harrison, a reciprocity arrangement in the tariff law of 1890. It was said, as a part of the history of that episode, that he appeared before the Finance Committee and urged that certain reciprocity provisions be put in the tariff bill that that committee had under consideration in order that the bars that had been put up against foreign trade might be let down in particular instances in the interest of our foreign trade. It is said that when unsuccessful in his appeals to that committee, with that energy that characterized him, he violently beat upon the desk, knocking in his hat which lay there, making the vehement declaration that there was not one line or syllable in the bill that would open to the American producers the markets of the world for the sale of an additional bushel of wheat or pound of meat. This episode did not, as reported in the press, take place in the committee, but in an unofficial conference upon the subject. Blaine, I say, had only a glimpse—visualized the possibilities—but McKinley recognized, when the Spanish-American War was won, that at last the day and hour had come for America to cast off the fetters of provincialism and go forward to her rightful position of industrial supremacy. That was the inspiration of that great address delivered by him at Buffalo just before his assassination.

Mr. President, we have gone forward. We have gone forward in world trade until to-day our exports exceed our imports over \$3,000,000,000. Every year there comes into America to stay here, to further enrich its 105,000,000 people, \$3,000,000,000 of foreign money in excess of what we send away to buy foreign products. In this condition of things the Republican Party now says: "Let us cut down imports; let us put the knife deep into the very roots and foundation of this vast export traffic; let us erect a barrier that will effectively check these imports, that will act in some cases as a check and in some as an embargo; let us keep them out altogether in some cases and in others reduce them to a minimum." If that policy is to prevail what will become of our vast surplus products of wheat, cotton, tobacco, and so forth, which we export and which makes their production here on a large scale profitable and possible?

I say to you, my fellow Senators, that our importations, which are primarily the basis of our exports, are now at the point



where they are not sufficient to sustain our present great export trade. Unless they are increased, our export trade, already checked, is going to suffer further and disastrous diminution. We can not maintain it otherwise, especially in the present condition of the world. How can we do it? How can any country in the world, in the present condition, continue to buy from us billions of dollars more than we buy from them, and live, not to say prosper?

The whole world is heavily indebted to us, especially our chief customers. We have drained them of their gold; their credit is shaken; and now it is proposed to cut off their only remaining means of paying us for the goods we wish to sell them, and which we must continue to sell them if we are to prosper and grow as we should. Will not such a policy throw away the greatest opportunity ever vouchsafed to a Nation?

Mr. OWEN. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Oklahoma?

Mr. SIMMONS. Certainly.

Mr. OWEN. I desire to call the Senator's attention to the fact that with approximately \$20,000,000,000 due to the people of the United States, including our Government, there is an invisible interest charge of at least 5 per cent on that amount, which will make \$1,000,000,000 in addition to the \$3,000,000,000 to which the Senator has referred.

Mr. SIMMONS. Undoubtedly. The import situation can not be undermined without at the same time undermining the export situation. Our imports can not be reduced below the present level without reducing our exports in larger proportion. Always, Mr. President, the prosperity of this country has got to rest, as it rests to-day, as it has rested during the last decade, the greatest era of its progress—always, I say, in the future as in the period of our great world progress, our prosperity rests and depends upon the volume of our exports. Undermine our export trade, deliberately adopt a policy that inevitably leads to their ruinous curtailment, and we will have idle fields, smokeless factories, and industrial retrocession and contraction will take the place of progress and expansion.

It is said if imports be reduced the farmer here and there, the man engaged in this industry and that industry here or there will be enabled to make a little more money, charge and get a little higher price for his product because he will have no foreign competition. I say that if we pursue a policy that will drastically and inevitably reduce our exports we will put an end for the time being to industrial expansion; and God knows we do not want to see that. We rather, I think, want to see industries, whether field, mine, or factory, multiply and grow and expand. They are not grown; they have not yet reached the full measure and stature of development. We want to see them continue to grow. But if we adopt the policy of restriction contained in this bill and proclaimed by the party in power, as surely as the night follows the day we will not only stop further expansion of our manufacturing and agricultural activities but we will restrict present activities and operations along all lines of endeavor.

Mr. President, I have said—and these remarks are preliminary to the figures which I propose to submit to this body—that I propose to present official figures showing that there had been no such increase in imports as that asserted in support of the suggestion that we must at once put up the barriers to the further introduction of foreign products.

First, Mr. President, I wish to present to the Senate a statement of facts as to the imports and exports from Europe during the fiscal year 1920 as compared with the fiscal year 1914. I have selected the year 1914 because that was the last full year before the war, and I have selected the year 1920 because that is the first full year during which tariffs could begin to have their full effect since the war.

Our importations from Europe in 1920 were \$1,179,000,000, in round numbers. The importations from Europe to this country in 1914 were \$895,000,000. Subtracting the imports from Europe of 1914 from the imports of 1920, we have an increase of imports during those six years of only \$284,000,000. That is an increase of only a little over 45,000,000 a year.

Our exports to Europe in 1920 were \$4,864,000,000, while our exports to Europe in 1914 were \$1,486,000,000. Subtracting the one from the other, it shows that during those six years our exports to Europe increased \$3,378,000,000; in other words, put in percentages, the increase in the imports from Europe to this country from 1914 to 1920 were 31 per cent, and the increase in exports from this country during that period was 227 per cent; a 31 per cent increase in imports against a 227 per cent increase in exports. Does that call for a further reduction of imports from Europe? Does that suggest a studied policy to reduce imports from those countries? Does it not rather suggest that if

some means are not devised by which Europe may buy more largely from us than she bought in 1920 we may in the near future, with absolute certainty, expect a disastrous slump in our sales to Europe? It will be inevitable.

We have heard much in these discussions about South America as a dangerous competitor. We have been reminded of the alleged cheapness of South American labor and its more favorable soil and climatic conditions and the like advantages over us, and we have been assured that her products are pouring into this country in ruinous volume, threatening, unless we restrict or exclude them, to undermine agricultural interests in this country.

Mr. President, I wish to present to the Senate some figures making the same comparison for the same two years, with reference to our import and export trade with South America, as I have given with reference to Europe. I will not read the figures in full. The result, however, generally, is this: That from 1914 to 1920 our imports from South America increased at the rate of 280 per cent and our exports to South America increased at the rate of 294 per cent. There is nothing wrong with that from an economic standpoint. If there is any portion of the world that probably could compete more successfully with us than any other, it is possibly South America.

In North America, including Canada, by reason of conditions which it is not necessary for me to stop now to analyze, the increase has been a little against us. During the period named the increase in imports from North America, which includes Cuba as well as Canada, has been 247 per cent in imports as against 209 per cent in exports, although our exports increased over \$48,000,000 more than did our imports.

Everybody knows that the chief increase in imports from North America has been due to the enormous increase in this country in the consumption of sugar and the products of sugar during that period of the great increase in our importations of sugar from Cuba, a considerable part of which was refined here and reexported. Eliminating these sugar imports, our exports to North America have increased much more rapidly than our imports.

Mr. SMITH of Georgia. Do those imports include the sugar we imported, refined, and reexported?

Mr. SIMMONS. Yes; they do. It is difficult to eliminate that.

Mr. SMITH of Georgia. Then, if it is not eliminated, finally our exports exceeded our imports, possibly.

Mr. SIMMONS. Yes; as it is our exports for 1920 exceeded our imports from North America by about \$150,000,000.

Mr. President, the Republican Party and those Democrats who desire increases in duties upon agricultural products have in the hearings and discussions on this bill rung the changes in condemnation of the alleged dangerous increase in importations into this country from Asia. I have heard more of it in my State, probably, than the average Senator has heard in his, because we raise some peanuts in my State, and some peanuts come here from Japan and from China, and my people have begun to think that they are being driven out of business by the cheap peanuts and peanut oils of Asia.

It may be that labor in Asia is comparatively cheap, a fraction of what it is here; but these products—peanuts and peanut oil—have been so in demand in the markets of the world that the prices at which they have been selling in the countries to which they were exported bear no relation to the cost of production if that is as cheap as is claimed. The peanuts that have been exported from Asia, however cheaply they may have been produced, have commanded in recent years a relatively high price in this market and in the markets of the world. I will discuss this subject somewhat in detail later.

Let me give now the figures with reference to our trade with Asia. The table I present shows that the increase of imports as compared with exports—comparing 1920 with 1914—was as follows: Increase of imports, 363 per cent, while increase of exports was 403 per cent, showing that our exports increased more rapidly than our imports.

In conclusion I want to give the relative imports and exports from this country in 1914 and 1920, not to and from any particular country or group of countries, but to and from the whole world.

In 1920 our imports from the outside world amounted to \$5,238,000,000. In 1914 our imports from the outside world amounted to \$1,893,000,000, the gain of 1920 over 1914 being \$3,344,000,000.

During 1920 our exports to the outside world amounted to \$8,111,000,000, and in 1914 to \$2,364,000,000; the gain of 1920 over 1914 being \$5,746,000,000.

Those amounts reduced to percentages show that our imports for 1920 compared with those of 1914 from the outside world increased 176 per cent, while our exports for the same period

of time, making the same comparison, increased 243 per cent. That is, the balance of trade in our favor in 1914 was \$470,000,000, while in 1920 it was \$2,872,000,000, an increase in our favor of over \$2,400,000,000. This demonstrates what I stated in the beginning—that a comparison of our total imports and exports in 1914 and in 1920 shows that the relative increase of the imports to this country has been very much less than the increase in the case of the exports from this country.

Mr. President, I dislike very much to detain the Senate so long; but it is absolutely necessary that I shall devote a short time, before I conclude my remarks, to the discussion of some commodities contained in this bill that are produced very largely in my State and section of the country, and with respect to which the farmers of my State, as in these other Southern States, have, I fear, been somewhat misled by the false and unfounded statements and fallacious arguments that have been made with respect to the effect of foreign importations upon the market price of their products, and with respect to the effect that these proposed tariff rates upon these products will have upon domestic prices.

The one issue involved in this legislation is, Will these duties by checking or stopping importations raise the price of the agricultural products sought to be protected? If they will not have that effect, then the groundwork and the foundation of this bill are gone, because its advocates base their support of it purely upon the ground that the farmer is in distress, and that these duties will restrict, if not cut off, these foreign importations, and that that will enhance the price of the domestic products—that is, they base their support of this measure upon the ground that the low prices of agricultural products at this time is due to increased and excessive importations. Now, if these low prices are not due to importations, these duties, though they curtail or stop importation, will not have the effect of raising the price of farm products, and unless they will enhance these prices the reason for the duties and for the legislation must disappear.

The people of my State raise peanuts. The growing of peanuts is a very important industry in this country. It is quite an important industry in a part of my State. The production of peanuts here, as in the world, is confined to small areas. They are not a crop of general production. They are a crop that is confined, by reason of soil and climatic requirements and adaptation, to relatively limited portions of the countries of production.

The farmers of my State have been led to believe that there are coming into this country at this time, and have been coming for some time, especially during the past six or eight months, enormous quantities of peanuts from Japan and China. They have been told that these peanuts are raised by labor paid 6 or 8 cents a day, and that they are sold at give-away prices. As I said a while ago, some peanuts have come in from these countries; but, as a matter of fact, whatever may be the labor costs in China or in Japan or in British India—for some come from British India—when they get to the ports of this country, by reason of the fact that there is an active demand, coupled with a shortage of peanuts in the world, they command a price very nearly equal to the price of the American product.

There has been an immense amount of downright falsifying of facts in connection with the propaganda in behalf of this legislation. By reason of literature sent out among the farmers of my State they have gotten the idea that during the last crop year, 1919-20, there were imported into this country 25,000,000 bushels of peanuts, whereas in that year there were only about 35,000,000 bushels grown in this country.

Upon an examination of the statistics upon which these figures are based, I find that they have confused peanuts as a distinct article of commerce with the peanut oil which is imported, and that this confusion results from the statisticians in their calculations converting the peanut oils imported into their equivalent of peanuts.

Mr. SMITH of Georgia. Does the Senator mean the amount of oil similar to peanut oil, made from some other commodity, imported into this country?

Mr. SIMMONS. No; I mean in the statistics the peanut oil is converted into its equivalent of unshelled peanuts, and that amount is included in the statement of the amount of peanuts imported into this country.

Mr. SMITH of Georgia. The oil itself was imported?

Mr. SIMMONS. The oil itself was imported into this country. They converted the oil into its equivalent of peanuts, and added the actual peanut importation to these peanuts required in the production of the oil imported and reached an aggregate of 25,000,000 bushels. The amount of peanuts imported was about 5,000,000 bushels, and the peanuts required in the production of the peanut oil imported amounted to about 20,000,000 bushels,

and by converting the oil into terms of bushels of peanuts required to produce that quantity of oil and adding that to the unshelled peanuts arrived at the misleading statement of the annual importation of peanuts. The Tariff Commission's reports show this to have been the method of calculation. I attach table in commission's report.

Peanuts—Summary table.

[Imports include shelled peanuts and peanut oil, as well as unshelled peanuts. The first two have been converted to the equivalent of unshelled peanuts.]

Year.	Domestic production (calendar year).	Imports for consumption (year beginning July 1).	Domestic exports (year beginning July 1).	Ratio to production.	
				Imports.	Exports.
	Bushels.	Bushels.	Bushels.	Per cent.	Per cent.
1909.....	19,415,815	5,000,000	203,846	.....	.....
1910.....	.....	2,000,000	247,599	.....	.....
1911.....	.....	2,000,000	269,123	.....	.....
1912.....	.....	2,000,000	331,881	.....	.....
1913.....	.....	3,000,000	366,128	.....	.....
1914.....	.....	2,000,000	267,049	.....	.....
1915.....	.....	3,000,000	394,065	.....	.....
1916.....	34,433,500	5,000,000	1,018,786	14.98	2.96
1917.....	52,505,000	13,000,000	567,616	24.81	1.08
1918.....	46,010,000	12,000,000	618,030	27.13	1.34
1919.....	33,925,000	25,000,000	642,634	74.42	1.89
1920.....	35,960,000	.....	.....	.....	.....

Mr. SMITH of Georgia. They estimated in peanuts themselves the quantity of oil brought in?

Mr. SIMMONS. Certainly; that is it.

Mr. President, the actual imports of peanuts into this country during the crop year of 1919 were, according to the report of the Tariff Commission, something less than 5,000,000 bushels; but the crop of 1919 was 13,000,000 bushels short of the crop of 1918, so that the importations of peanuts did not equal the shortage in the crop.

What happened by reason of this shortage and these relatively small importations? The peanut supply of this country was inadequate to supply the demand; and it could not be increased by further importations, because, on account of world shortage, they were not to be had elsewhere. Six million bushels of peanuts is one-half of China's and Japan's exportable peanut production. There is no country in Europe that commercially produces peanuts, so far as I know, and yet Europe's demand for peanuts is enormous.

Great Britain and Germany imported last year fifteen times as many peanuts as we imported. France generally takes all the peanuts grown in British India and in the peanut regions of Africa. Generally Europe has taken practically all the exportable peanuts grown in China and in Japan, and in practically every country except this. China, where peanuts are a staple article of diet, generally imports many more peanuts than it exports. Last year we bought all we could. We had an extraordinary shortage here. Our crop was 13,000,000 bushels short, as I said, of the previous year. Because of this shortage and the great demand the crop of last year, together with the importations, was barely sufficient to supply the demand for confections, peanut butter, and so forth. This demand was so great and prices so high in the fiscal year 1919-20 that the peanut-oil manufacturers in this country, finding that they could not afford to convert peanuts into oil because of the high prices demanded in the confections trade and in the peanut-butter trade, and finding that they could not get the necessary peanuts at sufficiently low prices from anywhere in the world to crush for oil, closed their mills. Practically all of them closed down and many installed machinery for hulling and grading peanuts and went into the business of selling the nut instead of crushing it for oil.

Mr. President, if I can lay my hands upon the report of the Tariff Commission, I need only to read from that to corroborate my statement. I have found it. That report says:

The confection demand, the short crop, and the light imports of the preceding year caused prices to remain so high during 1919-20 that one large class of consumers—the oil millers—was put out of business.

Again, the Tariff Commission report says:

The high prices prevailing for the 1919 crop made prohibitive the crushing of peanuts for oil. Most of the large mills put in shelling and grading machinery and sold their peanuts to the manufacturers of candy, peanut butter, and salted peanuts. Only the broken, shriveled, and damaged nuts, which were not salable for any other purpose, went into the oil presses. Small mills which had no shelling and grading machinery generally had to abandon the peanut industry.

They had to abandon it, Mr. President, because of the short crop here, and because they could not find these nuts elsewhere to make up that shortage. Even had there been a full crop in that year, there would not have been enough to more than adequately supply the demand for those purposes.



It is said we import quite an amount of peanut oil which comes in competition with our cottonseed oil. Agreed; but what was the cause of those importations? About 20,000,000 gallons of that oil, as I now remember it, came in during the crop year 1919-20, chiefly from Japan and China, but it did not more than supply our demand, because we made but little peanut oil in this country that year for the reasons I have given, and which the Tariff Commission gives in the report from which I read.

Peanut oil has come to be extensively used here in the manufacture of oleomargarine, sardine packing, medicinal emulsions, and so forth. It has largely taken the place here and in Europe of other oils in the making of oleomargarine. They formerly used cottonseed oil, not only here but in Europe, to a certain extent for that purpose, but peanut oil is supposed to be so far superior to cottonseed oil for that purpose that Europe has practically abandoned the use of cottonseed oil for making oleomargarine and uses peanut oil, although peanut oil generally sells for 5 cents a pound more than cottonseed oil. Likewise in recent years we have used peanut oil extensively in making oleomargarine. Indeed, we have almost stopped using cottonseed oil for that purpose.

The Tariff Commission report states that in 1918 or 1919, the last statistics I have seen, only from 2 to 5 per cent of the oil used in the making of oleomargarine was cottonseed oil. Other oils are used, chiefly peanut and coconut oil, because they are deemed better adapted for such purpose. If the cottonseed-oil industry has suffered by reason of this change, it is a case of where a more acceptable article, one which appeals more to the people, has been discovered for the making of this substitute for butter. Upon this subject the Tariff Commission says since only from 2 to 5 per cent of the domestic production of cottonseed oil has been going into oleomargarine the substitution of other oils, if complete, would not be serious to the cottonseed-oil interests.

Mr. President, during the calendar year 1920 there were, as I said before, imported into this country about 5,000,000 bushels of peanuts. I want to call attention to the significant fact that though much the larger part, indeed more than eight-tenths, of the importation of these peanuts into this country came in during the first six months of that calendar year prices were maintained. During the first six months of 1920 over 4,000,000 bushels of peanuts came into this country, and during those six months there was practically no decline in the price of peanuts. During the last six months, including December, our imports of this commodity were less than a half million bushels, but notwithstanding that fact there was a gradual decline in the prices, beginning contemporaneously with the decline in imports, until the price of peanuts went down to about 8 cents a pound in December. There can be no stronger proof than these facts furnish that the decline in peanuts now complained of and sought to be remedied by excluding imports was not brought about and is not in any way attributable to importations.

Mr. SMITH of Georgia. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Georgia?

Mr. SIMMONS. Let me make this point clear. Mr. President, it is contended that the drop in the price of peanuts is the result of importations of foreign peanuts, and yet the statistical tables to which I have referred—which are official, and which I shall put in the Record as an appendix to my remarks—show that during the six months when we imported 4,000,000 bushels of peanuts the price was maintained, and it was only in August, the beginning of the last five months, in which we imported only a small amount of peanuts, that the decline began and continued until the last day of the year. I believe, at the risk of tiring the Senate, I will read those figures, because they are so illuminating and so completely answer the contention that the decline in prices of this commodity is due to excessive importations.

Mr. SMITH of Georgia. It was just on that subject I wanted to call the Senator's attention to a fact. It has been claimed that there have been soy beans brought from Japan and China—

Mr. SIMMONS. Soy beans?

Mr. SMITH of Georgia. Manufactured into this oil, which bean has exactly the same effect as the peanut itself in destroying our peanut market. I wanted to hear from the Senator on that.

Mr. SIMMONS. The Senator can trust me to take care of that when I reach it later.

Mr. President, I have a table of the imports of peanuts, by months, for the last six months of 1919 and 1920. The figures are striking and significant in connection with the statement that

is being circulated in my State, and which has been made in the hearing and discussions of this subject, that peanuts have for months been coming in in unheard-of volumes from across the water, and that in the last six months there has been a perfect influx of these importations, and that these excessive and abnormal importations have beat down the price of peanuts until they are hardly worth carrying to market. I read from the table. I am only going to call the numbers in millions and thousands:

In July, 1919, there were imported 5,330,000 pounds; in July, 1920, there were imported 2,657,000 pounds—just about one-half as much during July, 1920, as during July, 1919.

In August, 1919, there were imported 6,269,000 pounds; in August, 1920, there were imported 5,085,000 pounds—1,200,000 pounds less in August last year than in August, 1919.

In September, 1919, there were imported 4,634,000 pounds; in September, 1920, which is the time when the enormous falling off in peanuts commenced, there were imported only 296,000 pounds.

Imports were about fifteen times as great in September, 1919, as they were for the corresponding month in 1920.

In October, 1919, the importations were 3,214,000 pounds; in October, 1920, there were imported only 685,000 pounds, or six times more in October, 1919, than in the corresponding month in 1920.

But November is the significant month. The nearer we get to the end of the calendar year 1920 the worse it gets for those who claim that excessive imports in the fall and winter of 1920 are responsible for the decline in the price of peanuts to a point below the cost of production. In November, 1919, the imports were 1,465,000 pounds; in November, 1920, imports only 48,000 pounds. Think of that! Imports only about one-thirtieth as great in November, 1920, as in November, 1919, and yet it is claimed imports in November, 1920, reduced to a minimum the high prices of November, 1919. I have a table that gives the figures for December, showing that the importations in December, 1920, were only 80,500 pounds, but I have misplaced it.

These official statistics show the absurdity of the argument in favor of a duty upon peanuts upon the ground that importations from abroad are increasing and becoming more and more menacing every hour, and that in order to protect the peanut grower against not only the present importations but the great menace of future and larger importations these prohibitive duties on imports should be levied. These imports are not increasing, as is claimed, but they are declining, and why? Because of the slackening of the demand for these nuts in this country. There is the same slackening in demand for this commodity as for nearly every other commodity and for the same reasons. The present crop in the United States is sufficient to supply the greatly diminished domestic demands, and there is no occasion for more peanuts to be brought here. They would not have been brought here in the quantities they were last year or the year before but for the fact that there was a domestic shortage, a shortage concurrently with an abnormal demand, a demand which could only be met and relieved by bringing peanuts from somewhere else.

Mr. GLASS. Mr. President—

Mr. SIMMONS. I yield to the Senator from Virginia.

Mr. GLASS. I desire to suggest that it is rather based upon the ground that it is expected to get the votes of the Senator from North Carolina and the Senator from Virginia in support of the bill.

Mr. SIMMONS. I am not dealing with the pretense of the situation. The Senator has correctly stated that. I am dealing with the facts and the arguments put forth in support of the proposed legislation. Of course, I know, like the Senator knows, that this is all camouflage. I know, as he knows, that this is an attempt to deceive the farmer as to the effect of a tariff upon his products, in the hope of winning him over to the theory of protection and the Republican Party by throwing him this sop to minimize opposition and make easy the way for pyramiding protection for the benefit of the favored industries on many of the things they produce and sell to him. I know that, and I know more than that. I know that many Senators who will vote for this bill would not vote for it if they thought it would become the law. If Senators will pardon me, I will illustrate with a story told on former Senator Zeb Vance, of my State.

Senator Vance, who was the most popular man of his time with the masses of my State, addressed a great concourse of his admiring constituents upon a question in which they were all in sympathy with him. After he had finished his masterful speech the assembled thousands of his delighted audience pressed around him insistent upon shaking his hand and congratulating him. For hours he was kept busy handshaking and receiving

compliments. When it was all over one of his friends said to him, "Senator, I know it almost killed you to have to stand there for hours shaking hands when you were already worn out from your long speech." "Yes," the Senator replied, "it almost killed me, but if they had not come it would have plumb killed me."

If this bill does not pass the Congress, it will almost kill the Republican politicians; but if it does pass, and is approved by the President, it will plumb kill them. They are mightily in favor of this bill provided it is vetoed. It is no secret, and everybody knows that if it were thought that the bill could possibly pass the White House it could not command a majority of the votes of the Senate. Could there be any better evidence than this that it is a pure pretense, a camouflage, a discreditable fraud?

A more illogical, irrational and indefensible bill never crossed the threshold of the Senate, and that it is indefensible is conclusively shown by the fact that during all of the discussion, when it has been unmercifully bombarded from this side of the Chamber, when its iniquities have been pointed out time and again and established by incontrovertible argument and facts, but two men on the Republican side of the Chamber have risen in its defense, and they have confined their defense almost solely to wheat and sugar. Is it conceivable, if the bill were thought to be defensible, the great debaters on the other side of the Chamber—experts, many of them, of the tariff and the effects of tariff legislation—would have remained silent and offered no defense against these fierce assaults? Is it not a remarkable thing that a bill of this kind should come here, carrying about 20 distinct propositions, and no voice be raised by those who propose it except two, and theirs only as to two items in the bill, one speaking in behalf of wheat and the other of sugar? The truth is Senators on the other side have too much intellectual integrity, too much respect for their reputations at home and in the country, they are too honest with their consciences to stand on the floor of the Senate and defend such a monstrosity as this. That is the only reasonable explanation of their persistent silence.

On this side of the Chamber, where some Senators are going to vote for it, they have confined their arguments to the contention that the farmers have been discriminated against in tariff legislation and that in his present desperate plight the restriction or prohibition of importations of commodities he produces might tend to enhance the domestic price, which they claim is now below cost of production. One of these Democratic advocates of the bill finished his fervid defense of the farmers' claims and right to a legislative increase in prices with the declaration, "If anybody can outdemagogue that, let him go to it."

Let me get back to the peanut proposition. It is claimed that not only the peanut but the cottonseed-oil industry, which is an important industry in the South, is suffering from the competition of cheap oils of Asia, including not only peanut oil but soya-bean oils, and so forth. The oil crushers of the South have been led to believe that these oils coming from abroad, peanut oil and soya-bean oil, are actively competing with their oils and depressing the price. There is no foundation for that. I have already discussed the effect of peanut oil on this industry. I wish now to consider in this connection soya-bean oil. There are considerable importations from Asia of soya-bean oil—I say considerable; there is about the same amount of importations of soya-bean oil, I believe, as there is of the peanut oil; possibly less.

Mr. SMITH of Georgia. Do they import the soya bean itself?

Mr. SIMMONS. No; I think not; only the oil. The soya-bean oil enters to a slight extent into the production of lard substitutes, which is the chief use of cottonseed oil, but only to a slight extent. As a matter of fact, soya-bean oil is used chiefly in the manufacture of paints and varnishes and linoleum. It is also used to a considerable extent in the manufacture of soaps. As I said, a very limited quantity of it is used in connection with the production of lard substitutes. About 3 per cent of it is used in connection with the production of oleomargarine. As I said, cottonseed oil can no longer be considered as a factor in the manufacture of oleomargarine. That has been practically given over here, as it has been altogether in other large oleomargarine-using countries, to peanut oil, coconut oil, and soya-bean oil. From 83 to 92 per cent of the cottonseed oil that is produced in this country is used in the manufacture of lard substitutes, and only about 1½ per cent of soya-bean oil and only about 2 to 3 per cent of peanut oil is used in that way.

So that the field of the two products is entirely different. A small part of soya bean oil is used in the manufacture of oleomargarine, a little of it is used in cooking oil, but the great bulk of it is used in the manufacture of paints, varnishes, and soaps.

It is a cheaper oil than the other, and ordinarily it is better suited to these other purposes and less suited to the manufacture of lard substitutes.

Mr. President, we produce in this country annually a billion pounds of lard substitutes, and we consume practically every pound that we produce. The effect of that is to release the lard made out of animal fats for exportation, and they are exported and constitute practically our entire lard exportations. The taste of Europe it seems runs to lards made from animal fats and it pays fancy prices for it. They do not like lard substitutes and lard compounds such as we make in this country. Our people seem to prefer the oil-produced substitutes and scientists say that lard substitutes made from cottonseed and other oils are healthier as well as equally if not more palatable than lard made from animal fats. Europe prefers the genuine lards and we prefer the substitutes, so we send our lards there and keep the substitutes for home consumption. It is a very good trade. There is a demand for all the cottonseed oil that we manufacture in this country for use in the manufacture of lard substitutes for the American people. In that field it has no competition; in that field, the field to which it has always been chiefly confined, the field in which 90 per cent of the product is utilized, it is without competition. It only has potential competition with these other oils in the manufacture of oleomargarine, and, possibly, in the manufacture of soaps; but very little cottonseed oil, as I have said, goes either into the manufacture of oleomargarine or into soaps.

As I have stated, from 83 to 92 per cent goes into the production of lard substitutes, practically every pound of which is consumed in this country; only from 2 to 3 per cent goes into the manufacture of oleomargarine; 8 per cent is exported. The remainder is used in connection with the manufacture of table oils, and so forth. So, Mr. President, there is no ground for apprehension on that score.

I showed awhile ago the fallacy of the contention that peanuts had been forced down by reason of the importations by quoting figures which indicated that while the importations were heavy, the domestic price was maintained, and when the importations began to decline the domestic price began to fall. Now, I propose to show that the same thing is true with reference to cottonseed oil, soya-bean, and coconut oils—the latter two claimed to be competitive with cottonseed oil.

Let me read the importations in 1919 as compared with these for 1920. They effectually answer the contention of proponents of the pending bill that the importations have enormously increased and brought about the fall in prices.

For July, 1919, the imports of cottonseed oil were 241,000 gallons, in round numbers; for July, 1920, they were only 58,000 gallons—about one-fourth.

For August, 1919, the imports of cottonseed oil were 232,000 gallons; whereas for August, 1920, when this great inundation is said to have been going on, the importations into this country were only 22 gallons.

In September, 1919, there were imported 602,000 gallons of cottonseed oil; in September, 1920, only 6,000 gallons.

In October, 1919, there were imported 289,000 gallons of cottonseed oil; in October, 1920, only 12,600 gallons.

In November, 1919, there were imported 312,000 gallons of cottonseed oil; in November, 1920, there were imported only 4,000 gallons, in round numbers.

Have the importations been increasing? No; importations are disappearing, and contemporaneously prices going down. In the face of these facts, what becomes of the argument that the fall in prices is the result of the increase in importations? But that contention is the very foundation of the pending bill.

How is it with the soya bean oil? This is so important that I am going to read the figures as to this oil.

In July, 1919, the imports of soya bean oil were 2,941,000 gallons; in July, 1920, the importations were 1,419,000 gallons—just about one-half in July, 1920, as in July, 1919.

In August, 1919, the importations were 3,531,000 gallons; in August, 1920, the importations were only 1,182,000 gallons—less than one-half.

For September, 1919, the importations of soya bean oil were 2,640,000 gallons; September, 1920, the importations were 959,000 gallons—just about one-third as much as in the same month of the previous year.

I will now ask Senators to listen to the figures for October. We are getting down toward the end of the year when it was said the flood of importations was greatest and most threatening. In October, 1919, there were imported 2,628,000 gallons of soya bean oil; in October, 1920, 30,000 gallons—just about one twenty-seventh, or, in other words, twenty-seven times more were imported in the month of October, 1919, than in the month of October, 1920.



Now, I come to the figures for November. In November, 1919, the importations of soya bean oil were 1,604,000 gallons; in November, 1920, the importations were only 268,000 gallons. As I have said, I have omitted from this table the December figures which I have in some way misplaced.

I come now to cocoanut oil.

Mr. STANLEY. Has the Senator the prices at hand?

Mr. SIMMONS. No; I have not the prices, but I have something along that line. Of cocoanut oil, in July, 1919, the importations were 5,506,000 gallons; in July, 1920, they were 3,339,000 gallons, or just about three-fifths; in August, 1919, the importations of coconut oil were 1,868,000 gallons, while in August, 1920, they were 1,205,000 gallons, or approximately 500,000 gallons less. In September, 1919, the importations of cocoanut oil were 1,509,000 gallons, while in September, 1920, they were 1,540,000 gallons, the imports and the exports being about the same. In October, 1919, we imported 3,897,000 gallons of cocoanut oil; in October, 1920, 2,239,000 gallons, or just about two-thirds. In November, 1919, we imported of cocoanut oil 2,094,000 gallons, and in November, 1920, only 980,000 gallons. So it appears, just as in the other cases, that importations are vanishing and not increasing. If they are not increasing, then the reason for an emergency tariff or any kind of a tariff to protect cottonseed oil against foreign peanut oil, soya-bean oil, cocoanut oil, and all the other oils disappears.

Mr. President, I have spoken too long. I have just two other tables which I had desired to discuss, but I am going to stop here, and I will take the liberty of adding these tables to my speech as an appendix, with the consent of the Senate. These tables (Appendixes E and F) show that when imports of peanuts and cottonseed oils were heavy the prices of these commodities were steady and high, and that when imports fell off prices broke and fell to low levels, indicating that the price slump was due to something other than foreign competition.

## APPENDIX A.

Table comparing the proposed rates of duty with those of the present law and the Payne-Aldrich law upon specified articles.

Article.	Increase in proposed rates of duty as compared with—	
	Present law.	Payne-Aldrich Act.
Wheat.....	From free to 40 cents per bushel, or from 10 cents to 40 cents per bushel (300 per cent increase).	60 per cent increase.
Wheat flour.....	From free to 20 per cent, or from 45 cents per barrel to 20 per cent (345 per cent increase).	20 per cent increase.
Corn.....	From free to 15 cents per bushel.	No increase.
Beans.....	300 per cent increase.	167 per cent increase.
Peanuts:		
Shelled.....	300 per cent increase.	200 per cent increase.
Unshelled.....	700 per cent increase.	500 per cent increase.
Lemons.....	150 per cent increase.	15 per cent decrease.
Oils:		
Peanut.....	333 per cent increase.	Free to 25 cents per gallon.
Cottonseed.....	Free to 20 cents per gallon.	Free to 20 cents per gallon.
Soya-bean.....	Do.	Do.
Cattle.....	Free to 30 per cent ad valorem.	About 9 per cent decrease.
Lambs.....	Free to \$1 each.	33½ per cent increase.
Sheep.....	Free to \$2 each.	Do.
Fresh meat.....	Free to 2 cents per pound.	Do.
Cotton (long staple).....	Free to 7 cents per pound.	Free to 7 cents per pound.
Wool:		
Class I—		
Unwashed.....	Free to 15 cents per pound.	36 per cent increase.
Washed.....	Free to 30 cents per pound.	Do.
Scoured.....	Free to 45 cents per pound.	Do.
Class II—		
Unwashed.....	Free to 15 cents per pound.	25 per cent increase.
Washed.....	Free to 30 cents per pound.	150 per cent increase.
Scoured.....	Free to 45 cents per pound.	25 per cent increase.
Class III—	No increase.	Decrease.
Sugar:		
75°.....	300 per cent increase.	193 per cent increase.
Each additional degree.....	Do.	197 per cent increase.
Refined.....	733 per cent increase.	189 per cent increase.
Molasses:		
Not above 40°.....	300 per cent increase.	200 per cent increase.
40° to 55°.....	Do.	Do.
Above 56°.....	Do.	Do.
Butter and substitutes.....	220 per cent increase.	33½ per cent increase.
Cheese and substitutes.....	20 per cent to 8 cents per pound.	Do.
Milk:		
Fresh.....	Free to 2 cents per gallon.	No increase.
Cream.....	Free to 5 cents per gallon.	Do.
Preserved.....	Free to 2 cents per pound.	Do.
Sugar of.....	Free to 5 cents per pound.	Do.
Hides, cattle.....	Free to 15 per cent.	Free to 15 per cent.

Table comparing the proposed rates of duty with those of the present law and the Payne-Aldrich law upon specified articles—Continued.

Article.	Increase in proposed rates of duty as compared with—	
	Present law.	Payne-Aldrich Act.
Tobacco, wrapper:		
Stemmed.....	40 per cent increase.	40 per cent increase.
Unstemmed.....	54 per cent increase.	54 per cent increase.
Apples.....	100 per cent increase (if bushel box).	20 per cent decrease (if bushel box), with retaliatory proviso.
Cherries:		
Raw.....	2,300 per cent increase.	\$30 per cent increase.
In brine.....	Free to 4 cents per pound.	Free to 4 cents per pound.

## APPENDIX B.

Table showing agricultural products upon which a duty is imposed under existing law.

[Abbreviation: n. s. p. f., not specially provided for.]

Article.	Rate of duty.
Horses and mules.....	10 per cent.
Live animals, n. s. p. f.....	Do.
Barley.....	15 cents per bushel.
Barley, pearled or patent.....	1 cent per pound.
Macaroni and vermicelli.....	Do.
Oats.....	6 cents per bushel.
Oatmeal, etc.....	30 cents per 100 pounds.
Rice.....	1 cent to 1 cent per pound.
Butter and butter substitutes.....	2½ cents per pound.
Cheese and substitutes.....	20 per cent.
Beans and lentils.....	25 cents per bushel.
Beets, all kinds.....	5 per cent.
Beans and peas, prepared or preserved.....	1 cent per pound.
Vegetables, prepared, n. s. p. f.....	25 per cent.
Pickles and sauces.....	Do.
Eggs:	
Frozen or preserved.....	2 cents per pound.
Dried.....	10 cents per pound.
Hay.....	\$2 per ton.
Honey.....	10 cents per gallon.
Hops.....	13 cents per pound.
Peas:	
Green or dried.....	10 cents per bushel.
Split.....	20 cents per bushel.
Flowers, cut.....	Various rates.
Plants, etc.....	Do.
Nursery stock.....	Do.
Seeds: Garden, vegetable, etc.....	Do.
Straw.....	50 cents per ton.
Onions.....	20 cents per bushel.
Vegetables, native state, n. s. p. f.....	15 per cent.
Apples, peaches, quinces, cherries, plums, pears.....	10 cents per bushel.
Berries, edible.....	1 cent per quart.
Grapes.....	25 cents cubic foot of package.
Cranberries.....	10 per cent.
Fruit, dried, etc., n. s. p. f.....	1 cent per pound.
Plums and prunes.....	Do.
Figs.....	2 cents per pound.
Raisins.....	Do.
Dates.....	1 cent per pound.
Currants.....	14 cents per pound.
Olives.....	15 cents per gallon.
Lemons.....	
Oranges.....	18 cents to 70 cents per package, or ½ cent per pound in bulk.
Limes.....	
Grapefruit.....	
Pineapples.....	In bulk \$5 per M.
Almonds.....	3 cents per pound.
Peach kernels.....	Do.
Filberts.....	2 cents per pound.
Walnuts.....	Do.
Peanuts.....	1 cent to 1 cent per pound.
Nuts, n. s. p. f.....	1 cent per pound.
Venison and game.....	1½ cents per pound, or 30 per cent.
Poultry:	
Live.....	1 cent per pound.
Dead or prepared.....	2 cents per pound.
Dandelion root and acorns.....	Do.
Starch, potatoes.....	1 cent per pound.
Spices of all kinds.....	Various rates.
Vinegar.....	4 cents per proof gallon.
Oils:	
Castor.....	12 cents per gallon.
Linseed.....	10 cents per gallon.
Olive, n. s. p. f.....	20 cents per gallon.
In bottles, etc.....	30 cents per gallon.
Not specially provided for.....	15 per cent.
Peat.....	6 cents per gallon.
Wheat (reciprocity).....	10 cents per bushel.
Wheat flour (reciprocity).....	45 cents per barrel.
Sugar.....	71/100 cent per pound for 75° sugar plus 26/1000 cent for each additional degree.
Molasses.....	15 per cent to 4½ cents per gallon.
Sugar, maple.....	3 cents per pound.
Maple sirup.....	Do.
Sugar cane.....	15 per cent.
Tobacco:	
Leaf.....	35 cents per pound.
Wrapper.....	\$1.85 to \$2.50 per pound.
Potatoes, from a country taxing out potatoes.....	10 per cent.

## APPENDIX C.

United States foreign trade in certain articles, monthly, July to November, 1919 and 1920, inclusive.

Articles.	Imports.	
	1919	1920
<b>Peanuts:</b>	<i>Pounds.</i>	<i>Pounds.</i>
July.....	5,330,993	2,657,018
August.....	6,269,862	5,085,824
September.....	4,634,057	296,319
October.....	3,214,166	685,465
November.....	1,465,677	48,337
<b>Peanut oil:</b>	<i>Gallons.</i>	<i>Gallons.</i>
July.....	4,225,188	493,263
August.....	3,294,318	695,116
September.....	1,479,945	863,640
October.....	1,390,083	54,013
November.....	1,003,202	100,993
<b>Cottonseed oil:</b>		
July.....	241,876	58,483
August.....	232,423	22
September.....	602,074	6,452
October.....	289,833	12,236
November.....	312,159	4,706
<b>Soya-bean oil:</b>		
July.....	2,941,553	1,419,538
August.....	3,581,032	1,182,137
September.....	2,640,056	957,975
October.....	2,628,481	39,153
November.....	1,604,227	238,148
<b>Coconut oil:</b>		
July.....	5,503,390	3,337,959
August.....	1,838,167	1,235,244
September.....	1,509,630	1,549,579
October.....	3,897,472	2,231,655
November.....	2,094,813	989,510

## APPENDIX D.

Table showing the United States trade with specified grand divisions and the world during the fiscal years ended June 30, 1913, 1914, 1915, 1919, and 1920, and the gain in trade during the fiscal year 1920 over that of the fiscal year 1914.

Grand division.	United States.		Percentage of total.		Gain in trade over that of fiscal year 1914.	
	Imports.	Exports.	Imports.	Exports.	Imports.	Exports.
<b>Europe:</b>						
1913.....	\$892,866,384	\$1,479,074,761	37.7	62.3		
1914.....	895,602,868	1,486,498,729	37.6	62.4		
1915.....	614,354,645	1,971,434,687	23.8	76.2	131.4	32.6
1919.....	372,951,315	4,644,937,841	7.4	92.6	158.4	212.5
1920.....	1,179,460,699	4,864,155,166	19.5	80.5	31.7	227.2
Gain 1920 over 1914.....	283,857,831	3,377,656,437	18.1	18.1	31.7	227.2
<b>North America:</b>						
1913.....	361,943,659	617,413,013	36.9	63.1		
1914.....	427,399,354	528,644,962	44.7	55.3		
1915.....	473,079,796	477,075,727	49.8	50.2	10.7	110.8
1919.....	1,052,567,498	1,288,157,899	44.9	55.1	146.2	143.7
1920.....	1,489,459,842	1,635,813,316	47.6	52.4	247.7	209.4
Gain 1920 over 1914.....	959,060,488	1,107,168,354	2.9	12.9	247.7	209.4
<b>South America:</b>						
1913.....	217,734,629	146,147,993	59.9	40.1		
1914.....	222,677,075	124,529,909	64.1	35.9		
1915.....	261,480,563	99,323,957	72.4	27.6	17.4	120.2
1919.....	568,374,904	400,646,300	58.6	41.4	155.2	229.8
1920.....	860,944,300	490,944,179	63.6	36.4	282.1	294.2
Gain 1920 over 1914.....	638,167,225	376,414,270	1.5	.5	282.1	294.2
<b>Africa:</b>						
1913.....	26,425,344	29,088,917	47.6	52.4		
1914.....	19,149,476	27,901,515	40.7	59.3		
1915.....	24,953,081	28,519,751	46.6	53.4	30.3	21.8
1919.....	81,065,759	85,157,432	48.8	51.2	323.3	205.2
1920.....	185,195,939	128,755,575	59.0	41.0	867.1	361.5
Gain, 1920 over 1914.....	166,046,463	100,854,060	18.3	18.3	867.1	361.5
<b>Asia and Oceania:</b>						
1913.....	314,038,218	194,159,465	61.7	38.3		
1914.....	329,096,884	196,994,033	60.7	39.3		
1915.....	300,292,655	192,235,218	61.0	39.0	18.7	12.4
1919.....	1,020,760,592	813,383,244	55.7	44.3	210.1	312.9
1920.....	1,526,560,888	991,371,497	60.6	39.4	363.8	403.2
Gain, 1920 over 1914.....	1,197,464,004	794,377,464	10.1	0.1	363.8	403.2

<sup>1</sup> Loss.

<sup>2</sup> The cause of the great increase in our imports was the increase in price of Cuban sugar, much of which was again exported.

Table showing the United States trade with specified grand divisions and the world during the fiscal years ended June 30, 1913, 1914, 1915, 1919, and 1920, etc.—Continued.

Grand division.	United States.		Percentage of total.		Gain in trade over that of fiscal year 1914.	
	Imports.	Exports.	Imports.	Exports.	Imports.	Exports.
<b>The world:</b>						
1913.....	\$1,813,008,234	\$2,465,884,149	42.3	57.7		
1914.....	1,893,925,657	2,364,579,148	44.4	55.6		
1915.....	1,674,169,740	2,768,589,340	37.7	62.3	111.9	17.1
1919.....	3,095,720,068	7,232,282,686	29.9	70.1	63.4	205.8
1920.....	5,238,621,668	8,111,039,733	39.2	60.8	176.6	243.1
Gain, 1920 over 1914.....	3,344,496,011	5,746,460,585	15.2	5.2	176.6	243.1

<sup>1</sup> Loss.

## APPENDIX E.

Table showing the United States export prices of peanuts by months for the calendar year 1920.

Month.	Export price per—	
	Pound.	Bushel.
<b>1920.</b>		
January.....	14.7	\$3.23
February.....	13.7	3.01
March.....	13.6	2.92
April.....	13.5	2.79
May.....	13.4	2.95
June.....	12.5	2.75
July.....	12.8	2.82
August.....	12	2.64
September.....	11.2	2.46
October.....	11.7	2.57
November.....	8.3	1.83
December.....	8	1.76

## APPENDIX F.

Table showing the imports and average prices of specified oils during the fiscal years 1918 and 1920.

Oil.	Imports.		Average price.	
	1918	1920	1918	1920
	<i>Pounds.</i>	<i>Pounds.</i>	<i>Cents.</i>	<i>Cents.</i>
Cottonseed.....	18,372,867	9,425,511	17.50	13.26
Coconut.....	356,088,738	203,321,412	18.10	14.44
Peanut.....	68,466,450	94,914,997	18.00	15.75
Soya bean.....	335,984,148	110,100,576	16.25	12.07

The average price of crude cottonseed oil per pound in the prewar years was as follows:

1913.....	\$0.0587
1914.....	.0572
1915.....	.0567
1916.....	.0634
1917.....	.1403

During these years our imports of vegetable oils were unimportant, which shows that the importation of oriental oils has not affected the price of domestic cottonseed oil.

The price quotations on cottonseed oil on February 11, 1921, were as follows:

Prime summer yellow.		Cents.
Spot.....		7.25
March.....		7.80
May.....		8.38
July.....		8.65

Mr. MYERS. Mr. President, unless it may yet be burdened by unreasonable and unjust individual amendments, I shall vote for the passage of the pending bill. I shall do so as a matter of emergency relief for a grave emergency situation. Upon principle I do not believe in a protective tariff nor a prohibitive tariff, and I never have. Neither do I believe in giving medicine to a well person. However, when a person is sick I believe in giving appropriate medicine in suitable doses, in order to bring about recovery. The country is sick. Especially are the farmers and live-stock growers of the country sick, and they are sick without fault of theirs. Something should be done for them. It is to the interest of all that something be done for them.

I am not in accord with the principle of a protective tariff, but conditions change and a public representative who does not recognize changed conditions and seek to adjust legislation accordingly is not in touch with the times nor with changing



needs. What the country needs at one time it does not need at another time. What is good for it at one time is not at another. Different conditions require different treatments. If a man were bitten by a rattlesnake, I would advise giving him large doses of whisky, but when he might have recovered from the effects of the rattlesnake's bite I would not advise him to take habitually and all of the time large doses of whisky nor any whisky.

For four years last past the farmers of my State have endured unprecedented hardships. For four seasons now the crops in the greater part of the State have been total or partial failures. During the last preceding four seasons crops in the greater portion of the State either totally failed or very nearly so. Prior to this winter the last two winters were winters of terrible and almost unprecedented severity and great length, and live-stock herds were terribly decimated, and in many instances were totally or nearly wiped out of existence. The destruction was terrific. Losses by death were heavy. Feed was very high in price and very scarce, and often impossible to obtain. Many herds had to be sacrificed by being thrown on the market in an unfit condition and at an inopportune time.

As a consequence of all of this havoc great hardship resulted and there has been and is much destitution, suffering, want. Fearful losses have been sustained. Thousands of homesteaders and other farmers have been compelled to leave the State, permanently or temporarily. Many who remain are in desperate straits. Many thousands are unable to pay their taxes. The Montana Legislature, now in session, has enacted an emergency act extending the time from November 1, 1920, to April 1, 1921, in which taxes may be paid without becoming delinquent and incurring a penalty. This action was taken to save many thousands from losing their farms and homes by sale for unpaid taxes. Theories are all right and often beautiful, but when one's people are suffering great distress theories should not be allowed to prevent lawful and legitimate relief; neither should politics.

Some of the farmers of Montana have on hand a little wheat grown last year, which they are struggling to keep for better prices. At present they can not get enough for it to pay the cost of production. If sold at present prices, they would not get back what it cost them to produce the wheat. This is radically wrong. It is unjust, inequitable, harrowing. It should not be so. Wheat is the principal agricultural product of Montana, and I believe those farmers who are fortunate enough to have on hand a little wheat should be enabled to obtain for it a little more than cost of production. If not, it is shocking and cruelly unjust. If Congress can remedy this deplorable injustice, it should do so. The object of all government should be to administer justice, and this applies to the legislative branch of government no less than the judicial and the executive. A government which does not have justice for its object is not a good government, and it can not expect its subjects to be satisfied.

The farmers of this country were intensely loyal and patriotic during our Great War with Germany and her allies. No class of our people did more for the winning of that war and the consequent saving of the civilization of the world than did our farmers. They toiled, planted, and cultivated. In response to the appeals of our President they increased vastly the acreage of food crops, and did it at great cost of toil and money. They paid enormous prices for farm labor. They toiled early and late. They responded nobly, loyally, to every appeal. They never faltered. Those in the Northwest are now in distress and are calling for recognition. Shall we heed their cry of distress or not?

There is no class of people more loyal and patriotic than the farmers of the United States. They are the mainstay of this Government. Upon their prosperity depends the prosperity and welfare of all. Upon justice to them depends, in large measure, our social fabric. They are the basis of all prosperity, all social welfare, happiness, contentment. We should do all that may be legitimate and within our power to make farmers contented and prosperous and to prevent them from becoming dissatisfied and from smarting under a stinging sense of wrong and turning for a remedy to the Nonpartisan League and other socialistic and dangerous movements. There has been a strong tendency among the farmers of the Northwest toward such movements, and I have promised and pledged myself to do all that may be within my power and legitimate to check it by endeavoring to procure justice for our farmers and give them everything reasonable and legitimate to make them contented, and I deem it my duty so to do. If the majority of our farmers should ever become impregnated with rank socialism, as has been the case in some parts of the Northwest, our form of Government would be doomed. The time to prevent it is by dealing out justice and giving a fair deal in advance.

There are now many thousands of homesteaders and farmers in North Dakota, Montana, and other portions of the Northwest who are destitute and have no means with which to procure seed wheat for sowing for this year's crop and who can not borrow the money with which to do so. If not furnished seed wheat their lands will lie idle this year. The emergency is so great that a bill to appropriate to their use for such purposes \$5,000,000 has been introduced in the House of Representatives of this Congress, and the Senator from North Dakota [Mr. GRONNA], the able chairman of the Senate Committee on Agriculture, has offered and had adopted by that committee, as an amendment to the annual Agricultural appropriation bill, heretofore reported to the Senate, a provision to so appropriate such sum of money. I am heartily in favor of it. I shall support it, and I hope it may be enacted.

There are some of the farmers of the Northwest, a little bit more fortunate but still in great distress, who have on hand a little wheat. If they could sell all but enough for seeding at a little more than cost, they could then finance themselves and they would have enough wheat for seeding and a little money with which to procure feed for their teams and to obtain the necessities of life for their families until another crop could be planted, cultivated, raised, and harvested, and thus they could put in and raise something of a crop this year. If we enable them to do so, we will thereby ease very much the suffering and distress among the farmers and make conditions considerably better. Is it our duty to do so or is it not? I contend it is. Of course, some say the enactment of the pending measure would not increase any the price of American wheat. In that event it would neither help nor hurt anybody. I say, let us try it. It is worth trying. Others say the price of wheat should not be enhanced any because it would cost the consumer a little more for bread. Such people must have but little regard for equity. I say, no American producer of any legitimate and useful product, of any necessity of life, should be compelled or expected to sell his product to the consumer at less than cost of production. It is radically wrong and grossly unjust when he must do so, and the American farmer can not now sell his wheat on hand for a sum equal to the cost of production. It is an unjust state of affairs and should be remedied. If to do so is undemocratic, then the fault is with democracy and not with the remedy.

Montana's live-stock growers and woolgrowers, too, are in a bad condition. Unless they may obtain some relief, the flocks and herds of the State will further decrease, and they are now below normal and wholesome numbers. The live-stock men of the Northwest have been steady losers for quite a while and they need relief. The farmers and live-stock growers of the West did not reap the enormous profits that came to some others during the continuance of the great World War, although they did their share to win the war. They are caught in a hard pinch by the aftermath, and I believe them now entitled to some consideration.

If we should take unusual action, conditions are unusual. I have been ready and willing all of this session to vote for an embargo on importations of wheat, live stock, and dressed meats for a very limited time—not more than one year—as a temporary remedy for an acute and most distressing emergency condition. Distressing conditions require drastic action. However, an embargo was not deemed by the majority the proper remedy and there was no chance for it.

I shall now vote for the pending tariff measure as a means of temporary relief for temporary distress of the most acute character. An emergency confronts us, and it requires emergency legislation for relief. This measure, if enacted, is to be for only six or eight months. It is intended to be in force only so long. After the lapse of that time conditions may and should be different. It should not cost nearly so much to produce wheat this year as it did last year. Undoubtedly labor and material will be cheaper. The cost of raising live stock should not be nearly so great hereafter as it has been for the last few years.

I vote for this measure only as a purely emergency and temporary matter; as emergency relief for a few months only. I do not say what I shall do when it may come to the enactment of a regular tariff bill. I have no promises to make. That time will take care of itself, so far as I am concerned. When that time may come conditions may be normal, or much more nearly so. If they should be entirely normal, I shall favor no extraordinary legislation. Further than that I do not forecast. Times and conditions now are decidedly unusual, and, in my opinion, they call for extraordinary action if justice is to be done to a very large class of useful and patriotic citizens and if gross injustice is to be avoided for the time being. This is not a political matter. There should be no politics in it. A dire emergency should know no politics, whether it be an emergency

of war or other danger or distress. I am glad to say that, generally speaking, there was no politics in Congress during the late World War, and, in my opinion, there should be none in the work of rehabilitation and reconstruction—clearing away the aftermath and bringing conditions back to a normal basis.

Mr. SHEPPARD. Mr. President, at Los Angeles, Calif., in September last, Gov. James M. Cox, Democratic nominee for President, had the following to say on the tariff question. I quote from the account of his address in the Los Angeles Times of Tuesday, September 21, 1920:

Certain newspapers have said to you, "Cox is probably right on the League of Nations, but he stands for a tariff that will put the lemon growers out of business."

I made a speech in Congress in 1909 in which I took the position that a tariff schedule should be sufficient to meet the difference in cost—that means the difference between the labor cost in Italy and the labor cost in California, the difference between the freight cost from Italy to New York and the freight cost from California to New York, and taking into account such other elements as the Federal Tariff Commission may find enter into competitive conditions. I believe in safeguarding American labor and capital in industries already established which, with the resumption of international trade after the war, are not able to meet competition.

I commend this statement of the Democratic leader to the attention of those Senators who have so learnedly discussed the Democratic position on the tariff.

Mr. THOMAS. Mr. President, may I say a word? I merely wish to ask the Senator whether Gov. Cox got the vote of the lemon growers of California?

Mr. SHEPPARD. I am giving his position on the tariff question—the position of the Democratic leader.

Mr. SMITH of Georgia. Mr. President, most of our great agricultural crops are produced in excess of home consumption. It is essential that they shall, to a considerable extent, be exported. They need the foreign markets to obtain a fair and continuing price. I can not vote for this bill, because I believe the bulk of our agricultural products will not be helped by it, but will be injured by it. We can not hope to sell to foreign markets without buying from them. I agree with the view so ably presented by the Senator from North Carolina. He has demonstrated that we can not preserve our foreign markets if we tax foreign products out of our markets, and he has spoken with a clearness and force rarely equaled. I do not think a Senator should vote against an amendment to the bill which puts a tax on a product of his State simply because he is against the entire measure.

I see no inconsistency in voting to make the bill as equitable as possible and to apply it as equally as possible to the various sections. I shall vote for this amendment, and I wish to call attention to the fact that the State of Connecticut and the tobacco growers of Connecticut are not alone responsible for it. The tobacco growers of my own State are interested. I hold in my hand a letter from a Georgian, which I read:

The tobacco growers of this section and of Connecticut have recently sent committees to Washington to appear before the Finance Committee to recommend tariff legislation on cigar leaf tobacco. I earnestly ask that you use your influence in getting this tariff.

They are recommending a tariff on cigar leaf tobacco imported from foreign markets.

I merely wish to say that, as a whole, I believe the agricultural interests will not be helped by this bill. I do not believe that the general welfare of the country will be promoted; but as it may be passed, I shall vote to put into it those commodities produced in my own State which would be favorably affected.

I recognize the fact that where a commodity produced in this country does not equal the demand in the country, but foreign products must come in also to supply the demand, a tariff on the import of the foreign commodity almost certainly increases the price received by the domestic producer of the commodity. I shall vote to put into the tariff bill those commodities produced in my State which I think would be beneficially affected, although I am not in favor of the bill as a whole and shall vote against it.

Mr. DIAL. Mr. President, I had intended to take up a little of the time of the Senate in talking about how to help the people of our section by amending the cotton-futures act; but it is growing late and I shall not detain the Senate now. I merely desire to state that I am glad to see the Senate so anxious to help the producing people of this country, and while we are trying to protect them from without we can do great good in amending the law and protecting them from within.

To my mind, the present future contract law is the greatest injustice to the farmer which could be imagined, especially to the farmers of the South. It provides for the sellers to have 10 options and for the purchaser to have none. I have an amendment pending now, and early in the next session I hope to get it enacted into law; and if so, we will have a just and honest law between the purchaser and the seller which, to my

mind, will relieve the distress, in a great measure, which prevails in the South.

I know Senators want to vote now, and I will not take up the time of the Senate in going into that in detail, but I expect to press it at the next session, and I hope to get the undivided support of Senators at that time.

The PRESIDING OFFICER. The question is on the committee amendment.

Mr. MYERS. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. MYERS. Then I want it known that I vote against this amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment.

The ASSISTANT SECRETARY. The next amendment of the committee begins on page 6, in line 10, and should be numbered 25. It reads:

25. Hides of cattle, raw or uncured, whether dry, salted, or pickled, 15 per cent ad valorem: *Provided*, That upon all leather exported made from imported hides there shall be allowed a drawback equal to the amount of duty paid on such hides, to be paid under such regulations as the Secretary of the Treasury may prescribe.

Mr. McCUMBER. The Senator from Massachusetts [Mr. LODGE] has offered an amendment to this proposition, and I have just sent for him. I ask that the amendment may be passed over temporarily, and the next one taken up, until he returns to the Chamber.

The PRESIDING OFFICER. If there is no objection, that course will be pursued. The Secretary will read the next amendment.

The ASSISTANT SECRETARY. The next item begins on line 16, page 6, and should be numbered 26. It reads:

26. Apples, 20 cents a box: *Provided*, That, if at any time the tariff on apples imported into Canada from the United States shall be greater than 30 cents a box, then the tariff on apples imported into this country shall be increased so as to make the tariff on apples imported into the United States the same as the tariff on apples imported into Canada from the United States.

Mr. McCUMBER. Mr. President, I offer an amendment to the amendment. In line 16, I move to strike out "20" and insert in lieu thereof "30"; and wherever it occurs to strike out the word "box," and insert in lieu thereof the word "bushel." I will say in explanation, very briefly, that it is the equivalent of the same tariff, but Canada imposes a tariff against American apples of 30 cents a bushel, and this will make a like tariff on imported apples; they will equal each other.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The ASSISTANT SECRETARY. On page 6, line 6, strike out "20" before the word "cents" and insert "30"; in the same line strike out the word "box," and insert in lieu thereof the word "bushel"; and in line 18, strike out the word "box" and insert in lieu thereof the word "bushel," so as to read:

Apples, 30 cents a bushel: *Provided*, That if at any time the tariff on apples imported into Canada from the United States shall be greater than 30 cents a bushel,

And so forth.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. WALSH of Montana. Mr. President, I have been engaged in some committee work, and was told by a messenger that the Senate was considering the tobacco amendment. If that is the case I should like to submit a communication relating to the tobacco amendment.

The PRESIDING OFFICER. Does the Senator desire to have the communication read?

Mr. WALSH of Montana. I do.

The PRESIDING OFFICER. The Secretary will read as requested.

The matter referred to was read, as follows:

BOZEMAN WHOLESALE GROCERY CO.,  
WHOLESALE GROCERS,  
Bozeman, Mont., February 12, 1921.

Hon. T. J. WALSH,  
Washington, D. C.

MY DEAR SIR: Inclosed find a petition of protest against the increase of duty on wrapper tobacco which is proposed in the bill now before Congress.

I notice the proposition is to increase the tariff from \$1.85 to \$2.85 per pound and to increase the levy on cigars from \$9 to \$10.50 per thousand.

I am taking this matter up because of the fact that we handle cigars and that there is a factory in Livingston manufacturing a very good grade of cigars that would be vitally affected by the passage of this bill. The cigars are now selling at a price that an increase of this kind would mean a two-for-a-quarter seller would have to go to 15 cents, and it would virtually queer the business in our locality.

While I appreciate the fact that the disposition is to make tobacco carry a heavy percentage of the expense of Government, I think it poor policy to impose revenue schedules that will ruin business.



The inclosed petition has been circulated among the business men and farmers of Bozeman and Gallatin County, the matter being explained fully to them and they are in hearty sympathy with the petition of protest.

I trust you will use your efforts to prevent the passage of this schedule.

Assuring you of my kind personal regards, I am,  
Very sincerely, yours,

J. A. LOVELACE.

Hon. T. J. WALSH,  
United States Senate, Washington, D. C.

DEAR SIR: We, the undersigned, residents and electors of \_\_\_\_\_ County, Mont., do hereby respectfully protest against the proposed increase in the duty on wrapper tobacco from \$1.85 per pound to \$2.85 per pound, and against any increase in such duty and against any additional taxation upon such tobacco, whether in the form of duties or internal revenue, and we do respectfully represent that in our opinion the present duty on such tobacco of \$1.85 per pound is more than the tobacco trade can bear, and that any increase, either in the form of duty or internal revenue, will be highly prejudicial to the cigar industry in the State of Montana and, in general, in the United States, and will practically force the manufacturers of cigars to close their shops and quit the business; that in the State of Montana, particularly, the manufacturers of cigars have a young and growing industry, and have, through heroic efforts on their part during the past seven or eight years, succeeded in keeping their heads above water, and that any discrimination against them at this time in the form of additional duties or internal revenue would be ruinous to their business, and would throw out of employment a great many employees now engaged in this industry in this State and elsewhere.

We further represent that, in our opinion, the present duty of \$1.85 a pound is more than sufficient to protect American-grown wrappers, and that at this particular time and under the conditions existing in this State and Nation, the consumer is expecting and demanding a decrease in the price of manufactured articles, including cigars, instead of an increase, and that the only alternative left for the cigar manufacturer in the event of any increase either of duties or internal revenue is to shut down his factory. If the present retail price of cigars is increased to compensate the manufacturer for the additional duty or revenue, it will be impossible to sell the article. In any event, the result will be the forcing out of business of the manufacturer of the better grades of cigars.

Respectfully submitted,

F. L. THOMAS,  
Agent Chicago, Milwaukee & St. Paul Railway.  
(And 135 others.)

The PRESIDING OFFICER. The Senator from Massachusetts has offered an amendment to the amendment relating to hides, which the Secretary will read.

The ASSISTANT SECRETARY. Insert the following after line 15, page 6, at the end of the committee amendment:

Upon hides of the kind provided for in paragraph 25, when advanced in any manner or by any process of manufacture, and manufactures of which hides of any kind provided for in paragraph 25 are a component material, the rate of duty imposed shall be 10 per cent ad valorem.

Mr. LODGE. Mr. President, boots and shoes and manufactures of leather are on the free list. It is now proposed by this bill to put a duty on the raw material. As a protectionist, I think any industry or any production is entitled to reasonable protection if we are going to have a protective policy. One of the great vices of all our tariffs, especially tariff for revenue only, is that we have given protection to one man and free trade to another. The proposition here is to put a duty on the raw material of the great leather industries and leave the manufactured product on the free list. It is utterly impossible, to my mind, to maintain such a system as that.

There is not an industry in the world that can stand having its raw material protected by a duty, and put on the free list itself the most highly finished product. The amendment which I offer is simply to place a very moderate compensatory tariff on the manufactures of leathers which are now on the free list.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Massachusetts to the committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The next amendment will be stated.

The READING CLERK. On page 6, the committee proposes to insert the paragraph which should be numbered 27, as follows:

27. Cherries in a raw state, preserved in brine or otherwise, 4 cents per pound.

Mr. EDGE. Mr. President, the statement just made by the Senator from Massachusetts [Mr. Lodge] in pressing the amendment which the Senate has just agreed to furnishes an illustration that I am going to discuss very briefly as one reason why I can not vote for the pending measure.

I do not think it is necessary to reiterate my conviction as to the necessity for a protective tariff policy. I believe in it thoroughly, and I shall welcome an opportunity to vote for a measure that in my judgment protects American industry, American labor, and encourages American production; but I am convinced we will not secure the result expected from this type of emergency legislation. Generally speaking, I do not approve of hastily prepared emergency legislation anyhow, and especially

when it is designed to cover a subject so important and which reaches out in so many directions as necessarily does a tariff measure.

As brought out by the Senator from Massachusetts, we are providing under the bill principally a duty on raw materials, but have not followed along when the use of that raw material in manufactured products is considered, and therefore there is no duty provided on the product when completed. We must agree that such legislation is most unscientific and indefensible.

I thoroughly recognize the necessity for a higher tariff on some of the commodities that are included in the bill, particularly those that were included when the bill was originally sent over from the House—wheat, meats, wool, and perhaps some others—but as the days have gone by one additional commodity after another has been patched up and attached to the bill, usually covering raw material, and no attempt has been made—it would have been impossible to have made the attempt, though I am criticizing no one, because we simply have not the time nor the information—but no real attempt has been made to follow that along and meet the situation when the raw material is used in the finished product. Many of the food products added are those mainly produced in our own country, where the percentage of importations is very small, and the result must in such cases be higher cost of living without compensatory returns.

A protective tariff measure, in my judgment, to really meet the situation that the advocates of protection have always fought for must contemplate all commodities, and at the same time that we provide a duty on raw material we must provide a tariff on the finished product or, of course, the formula is absolutely incomplete and we have a hit-and-miss measure which we can not defend.

I sincerely hope and expect that the Congress which we understand is soon to be convened in extraordinary session, with time before us to consider the measure, will prepare a scientific tariff bill designed to meet present-day conditions, not to meet an emergency here and there which undoubtedly exists. I do not question that in the least, but which in my judgment will not be met even if the bill should become a law, and from all the information we obtain that will probably be very difficult to secure anyhow. Congress should adhere to the principle of protection, as I have iterated and reiterated, but we can not to-day, with billions of dollars owing us from abroad, expect to do business with the world and use our merchant marine unless we have reciprocal trade arrangements with the world.

It is absolutely impossible to have the cake and the penny, both. I do not believe it is necessary at all to do away with the protective system; far from it; but to write a carefully prepared, a carefully studied tariff measure, representing the difference in the cost of production here and abroad, with full protection; encouraging imports along certain uncompetitive lines, and, finally, producing a measure which we can advocate because it is scientific and based on facts and conditions. It is perfectly ridiculous for us to talk about increasing exports, selling our surplus products abroad with the exchange to-day from 25 to 900 per cent against American purchases. Everyone knows perfectly well that we can not rectify the condition of exchange except by balancing trade between nations. We can not balance trade between nations unless we get something from the other fellow, be it goods or money, and they have not very much money. That does not in any way dissipate the principle of protection. We simply face a condition with America a creditor Nation as compared to America six, seven, or eight years ago when the trade balances between countries were quite different. So we protectionists must, in my judgment, adhering to protection, protecting American labor, protecting American infant industries or industries that have gotten away from infancy so far as that is concerned, if competition from abroad threatens them, but scientifically preparing the bill with conditions known and studied.

I have given the bill as much study as the little time the many responsibilities would permit. I thoroughly appreciate the problem of the farmer in the West and the sheep grower, but I do not feel that the bill will actually give them the relief that I know it is honestly and sincerely designed to give. I prefer to give our time to a study of a complete arrangement of tariff conditions in order that we can deal with the world and in order that the world can deal with us; that we can protect our manufacturers and our American labor and sell our surplus products abroad, and, what is most important, be paid for them.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The READING CLERK. On page 7, in line 2, the committee propose to strike out "15 and 17" and insert in lieu thereof "17, 19, and 20." It should now read "paragraphs 16, 18, and 19."

The amendment was agreed to.

Mr. MOSES. Mr. President, I offer the amendment which I send to the desk and which I ask to have read. The committee amendments are disposed of, I understand.

The PRESIDING OFFICER. They have been disposed of. The amendment proposed by the Senator from New Hampshire will be read.

The ASSISTANT SECRETARY. Strike out all of the bill after line 4, on page 1, and insert:

And paid upon articles, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila) the rates of duty prescribed by the act of Congress, approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes."

Mr. MOSES. Mr. President, this bill having been described to meet an emergency, the emergency is presented to the Senate in a most one-sided manner. I insist, as an all-around protectionist along the lines stated by the Senator from New Jersey [Mr. EDGE], that if an emergency exists with reference to American industry and trade, it exists in all branches as well as in the few which have been singled out for special favor, and that we, as national legislators, should consider all of them. The proposal which I make in the amendment now pending is to apply, during the 10 months in which the pending bill purposes to operate, all of the duties contained in the last Republican tariff measure which was adopted, a tariff which was amply protective for every industry which it touched, a tariff which was proclaimed to the country as the best tariff measure ever drawn, a tariff measure which was framed, in part at least, and voted for and upheld by 14 Senators still remaining on this side of the aisle, who can not have forgotten the panegyrics with which they covered that measure, and to whom I now appeal to give us, in the 10 months through which the pending bill purposes to operate, a complete wall of tariff protection for all industries, behind which the Congress may proceed leisurely and scientifically to draw a tariff bill fitted to all emergencies and which may be permanent law during many years to come.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from North Carolina?

Mr. MOSES. Certainly.

Mr. SIMMONS. I did not catch the Senator's amendment quite fully as it was read. Will the effect of the amendment be to suspend existing tariff law for 10 months, the period of the life of the pending bill, or will it only suspend the existing law for the 10 months as applied to the items in the bill?

Mr. MOSES. The purpose of my amendment would be to apply in full the Payne-Aldrich law for the 10 months during which the pending bill purposes to operate.

Mr. SIMMONS. The Senator substitutes the Payne-Aldrich law for the pending measure upon all articles?

Mr. MOSES. For the pending measure during the 10 months I purpose to substitute the Payne-Aldrich law.

Mr. SIMMONS. In other words, suspend the present law for 10 months and substitute the Payne-Aldrich tariff law during that time?

Mr. MOSES. Oh, yes; and I am trying to make an appeal to my protectionist brethren on this side of the aisle to support it, because it can not be that the measure now before us in the form in which it now stands, and to which I can never give my vote, can be adequately defended by anybody. It is regarded very generally as a measure which is indefensible. Private conversation among Senators shows that to be the fact. It has been admitted almost in terms by Senators who have spoken in its favor upon the floor. It is a bill that grows out of an unwise yielding to pressure which was applied at the other end of the Capitol. It is the offspring of a union between the cotton field, the sugar-cane brake, the rice paddy of one section of the country, and the sheep run, the cattle range, and the wheat field of another section. It is a misshapen brat at best. It is lopsided, it is blind, it is deaf, it is bandy-legged, and it suffers from congenital economic rickets. It is misconceived, haghorn, and, to complete the characterization, ditch delivered. Republican Senators can not go to the country upon such a proposition.

It is sure to be rebuffed at the other end of the Capitol, and the President, who was so strikingly rebuked by the voters of the country on election day, will now have his chance in dealing with this bill to exorcise the Republican Party because of this misshapen thing which they propose to send to him, and rightly

so, because the bill does not represent the traditional Republican position upon the tariff.

The bill is a thing which no one can defend. The proposition which I offer gives every all-around protectionist a chance to vote consistently, affords adequate protection to every industry in which an emergency exists, and will give us time in the 10 months of its life to draft a tariff bill which will meet every condition that exists.

Mr. WALSH of Montana. Mr. President, before the vote is taken on the amendment offered by the Senator from New Hampshire, I desire to say a few words with relation to the historical precedents which the Senator from Texas [Mr. SHEPARD] discovered as a justification for his attitude in regard to the pending bill. He advised us that during the administration of James Madison, in the year 1812, when the second war with Great Britain was imminent, duties in the nature of protection duties were imposed. I do not understand it in that way, and neither do the historians understand the tariff measure to which the Senator has referred in that way.

The fact about the matter is that that was a pure revenue measure; protection was not needed. As a matter of fact, of course, we had a tariff, which was adopted, so far as it had protective features, in accordance with the recommendations of Alexander Hamilton's report on manufactures. Inasmuch as nearly all of our manufactured importations came from Great Britain, it was entirely unnecessary to impose a wall of protective duties, because, as a matter of fact, no importations could come from Great Britain during the period of the war.

The fact about the matter is that Congress at its first session enacted a law imposing a duty upon imports, practically all of which duties were revenue in character. They included no agricultural products, unless we except tea, which was not produced in this country at all, cheese which was really not a competitive article, and sugar on which a duty of a cent a pound was imposed for the purposes of revenues and possibly for the purpose of stimulating the production of that commodity in the territory which became Louisiana and adjacent States. There was, however, a basket provision to the effect that all other commodities imported into this country should bear a tariff of 5 per cent, which of course was a tariff for the purpose of raising revenue. That would include all agricultural commodities as well as manufactured articles; but as there were practically no importations of agricultural products, it had no very specific application to those commodities.

That was the way the law stood with only minor changes of no particular importance until we were confronted with the War of 1812. Revenue from import duties would necessarily fall off because most of the revenue which had been obtained from those came from duties on imports from Great Britain, which would upon the declaration of war cease. The Government was therefore faced with the necessity of devising some means of increasing its revenue, and Congress provided that the existing duties should be increased by 100 per cent, not for the purpose of giving protection at all, but for the purpose of providing revenue with which to carry on the war.

Then it was provided that those rates should continue for a year after the war ceased, not for the purpose of giving protection during the reconstruction period at all, but it was recognized that many of the obligations of the Government would be carried over for a year later and thus they were to be discharged.

So I think the statute, considered in connection with the circumstances under which it was enacted, affords no justification whatever for the belief that it was in the nature of a protective tariff measure. In fact, Mr. President, according to Prof. Taussig, lately the chairman of our Tariff Commission, it had no protective aspect about it at all; and although the protective movement had some force in this country from the year 1789, it really had no special recognition in the legislation of the country until the tariff act of 1816 was passed. The act of 1812, referred to by the Senator from Texas, was distinctly a revenue measure and not a protective measure as told by McMaster in his History of the Times. A brief paragraph from that work, which is interesting in this connection, I should like now to read. That writer says:

The ordinary expenses for 1812 would, the report stated—

That is, the report of the Committee on Ways and Means—be something over nine millions, could be paid out of the receipts and the surplus, and leave a trifle in the Treasury. The extraordinary expenses would be eleven millions, and should be met by a loan. The public-debt account would need nearly six millions, which the commissioners of the sinking fund should borrow. In 1813 there would be a deficit of something over six and in 1814 of something over seven millions, and these must be made good by taxation. The new taxes—the war taxes as they came to be called—were to be of three great classes—duties of import and tonnage, internal duties, and a direct tax of three millions. The first class should comprise an additional



duty of 100 per cent on imported goods, wares, and merchandise, a new tonnage duty, an increase of 25 per cent in drawbacks on exported goods, and a duty on salt. The internal duties should be laid on licenses to distill liquors from foreign materials, on licenses to retail wines, spirits, and foreign goods, on sales at auction of foreign goods, on sugars refined, on pleasure carriages, and a stamp tax fashioned on the hated stamp tax of John Adams.

So the Committee on Ways and Means reported that for the purpose of raising revenue existing duties should be increased by 100 per cent. Accordingly the act to which the Senator from Texas has referred was passed.

Mr. McCUMBER obtained the floor.

Mr. SHEPPARD. Mr. President, will the Senator from North Dakota yield to me for a moment?

Mr. McCUMBER. I yield.

Mr. SHEPPARD. My contention has been and is that these double duties, together with war conditions, amounted practically to a prohibitive tariff on imports during the War of 1812, that the continuance of these duties for a year and a half after the war and until the enactment of the tariff of 1816 helped to stabilize after-the-war conditions, that if legislation with similar purpose had been enacted in this country succeeding the World War we would have had reconstruction with no such sudden disturbances to agricultural prices as occurred last fall. That is my contention. In a number of industries we had conditions equivalent to an embargo or a prohibitive tariff during the course of the World War, but we neglected to continue such conditions, or to modify them gradually, so that sudden dislocations and precipitous declines might be avoided.

Mr. McCUMBER. Mr. President, I desire to occupy the time of the Senate for just a few moments, and I hope that I may have the attention of the Senator from New Hampshire [Mr. MOSES]. In 1865, at the close of the great Civil War, our population was about two-thirds rural and one-third urban. Naturally the two-thirds of the population who were food producers raised a great deal more than the one-third living in the cities could consume. Consequently during those years our markets would not be affected by anything but the general world demand for our products. Protection could give us no direct benefit. In 1865 the manufacturers of the East began asking the farmers of the West, and other producers of food products, for such protection as would enable the infant industries of New Hampshire and Connecticut and other States to get upon their feet and develop, so as to be able to supply the farmers with the commodities which they needed. We did that, Mr. President, and we did it upon this ground: We said, "We will aid you because we believe that you will increase the number of consumers, and that the time will come when production and consumption of agricultural products in the United States will about balance each other." That time has now come; the rural population is now but one-third of the urban population; the time has arrived when those who produce things to eat in the United States can get some benefit from protection.

After staying by you for 60 years, they feel that they are now entitled to fair consideration at your hands; but in the first year when, under special conditions, we can get an adequate protection, full protection by a tariff, we find the Senator from the manufacturing State of New Hampshire speaking of this measure as an abortion, as an ill-begotten creature, as an offense to the great manufacturing section of the country.

I wish to tell the Senator most earnestly that we are good protectionists throughout my State, but, by heaven, we insist on some of the benefits of this policy. If the Senator thinks that he can have adequate protection upon the products manufactured in the mills of New Hampshire, but that we shall not have any protection for the commodities which we produce, I want to assure him that the American people will not stand for it.

Mr. UNDERWOOD and Mr. MOSES addressed the Chair.

The PRESIDING OFFICER. Does the Senator from North Dakota yield; and if so, to whom?

Mr. McCUMBER. I yield to the Senator from Alabama.

Mr. UNDERWOOD. Mr. President, I merely wish to make a suggestion. The discussion of the Senator is very interesting; but the clock admonishes us that it is now half past 5. I understood from the Senator that he wanted a vote on this bill this evening, and I think most of the Senators on this side were prepared to let him have a vote. We have no objection, of course, to continuing the debate on this interesting question, but I was going to suggest if there is to be further debate that we let the bill run over until to-morrow.

Mr. McCUMBER. Mr. President, I think three or four hours of the time of the Senate have been consumed by a discussion of peanuts, peanut oil, and so forth. I hope that the Senator will consider the nature of the attack which has just been made upon those who believe that they are subserving

the interests of the farming section and allow a few words in reply—not a prolonged debate.

Mr. UNDERWOOD. I am perfectly willing to have the debate go on to-morrow if the Senator desires to pursue that course; I merely wish to know, so that this side may be informed how long the debate will run.

Mr. McCUMBER. We have been kept for a long time waiting for the Senator's side to get through.

Mr. UNDERWOOD. I did not wish to interrupt the Senator; I only desired to find out, if I could, how long the debate would run.

SEVERAL SENATORS. Vote!

Mr. McCUMBER. Mr. President, the question is on the amendment of the Senator from New Hampshire?

The PRESIDING OFFICER. The question before the Senate is the amendment of the Senator from New Hampshire [Mr. MOSES], upon which the yeas and nays have been ordered.

Mr. LODGE. Mr. President, I have not spoken in this debate at all until I offered a little amendment a few moments ago, so that I think I can not be accused of having consumed time unduly; but I am one of the survivors of those who voted for the Payne-Aldrich bill and to whom the Senator from New Hampshire alluded, and I want to say just one or two words as to why I shall vote against substituting it now.

Since that bill was passed another tariff bill has been put in its place, known generally by the name of the distinguished leader of the Democratic Party in this body. I have great respect for him, but I do not like his tariff very much. It must be remembered, however, that in the Payne-Aldrich bill there was a provision in regard to a maximum and a minimum duty. The maximum was supposed to be the normal duty, as I recall, or rather the minimum, and it involved making arrangements with many other countries; and to get rid of the maximum we had to make arrangements with a number of other countries to be placed under the favored-nation clause. If we should substitute the Payne-Aldrich bill now as a temporary measure for this emergency tariff bill, it would involve immediate negotiations under the maximum and minimum provisions with all the nations of the earth, because the Payne-Aldrich law has been repealed. I mention that merely to show its impracticability at this time.

I am a protectionist, and have done all I could in behalf of protection, and I agree entirely with the proposition of the Senator from New Hampshire; and as I tried to state briefly before, if we have protection it must be protection for everybody who produces and desires protection, or who manufactures and desires protection. We can not give protection to what comes out of a mill and refuse it to what goes into it.

This is an emergency measure. As the Senator from New Jersey said, there is no doubt of the emergency. There is no doubt of the suffering which the operation of economic forces produces by the sudden reduction of prices of the great staples—not merely food products, but cotton and others of the chief products of the country—and this is an attempt to meet it between this time and the time when we hope to enact a better adjusted bill. Those who represent the great agricultural and cotton-growing regions of the country have an absolute right, in my opinion as a protectionist, to have a suitable protection to their products; but when that is given as it is given in this emergency bill, of course it makes a one-sided measure. We are all conscious of that, but I can not as a protectionist refuse duties to all American producers, whether industrial or agricultural.

Mr. KNOX. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Pennsylvania?

Mr. LODGE. I yield to the Senator.

Mr. KNOX. I merely want to ask the Senator if he would mind being corrected upon one statement that he made?

Mr. LODGE. I hope the Senator will correct me. I was speaking from memory.

Mr. KNOX. The Senator correctly stated the matter at first and then corrected himself and made a mistake.

Mr. LODGE. I shall be very glad to get rid of it.

Mr. KNOX. Under the Payne-Aldrich bill the normal tariff was the maximum tariff.

Mr. LODGE. That is what I thought.

Mr. KNOX. That is what the Senator said first; and in order to get the benefit of the minimum tariff it was necessary to make engagements with the other countries so that this country got the benefit of their lowest tariff.

Mr. LODGE. The Senator, I know, agrees with me as to the fact that if we substitute the Payne-Aldrich bill we will have to make those arrangements with other countries. There is no doubt about that.

Mr. President, I merely desired to explain why, as one of those who voted for the Payne-Aldrich bill, I can not vote to put it upon the country now as an emergency measure. It is impracticable to do it under the provisions of that bill. I wish also to say that I hope we shall get a proper substitute for this emergency bill later; and, as a protectionist, I am an all-around protectionist.

Mr. SMOOT. Mr. President, what the Senator from Massachusetts has so well said I fully agree with; but, so that we may know just what part of the Payne-Aldrich bill the Senator refers to and just what it says, I want to read that part of the bill.

Mr. PENROSE. Put it in the Record without reading.

Mr. SMOOT. I will say to the Senator from Pennsylvania that the maximum rate is the 25 per cent rate above the rates named in Schedule 1, and therefore the minimum rate is the schedule rate that is provided for in the Senator's amendment.

Section 2 of the act reads:

That from and after the 31st day of March, 1910, except as otherwise specially provided for in this section, there shall be levied, collected, and paid on all articles when imported from any foreign country into the United States, or into any of its possessions (except the Philippine Islands and the Islands of Guam and Tutuila), the rates of duty prescribed by the schedules and paragraphs of the dutiable list of section 1 of this act, and in addition thereto 25 per cent ad valorem; which rates shall constitute the maximum tariff of the United States; *Provided*, That whenever, after the 31st day of March, 1910, and so long thereafter as the President shall be satisfied, in view of the character of the concessions granted by the minimum tariff of the United States, that the government of any foreign country imposes no terms or restrictions, either in the way of tariff rates or provisions, trade or other regulations, charges, exactions, or in any other manner, directly or indirectly, upon the importation into or the sale in such foreign country of any agricultural, manufactured, or other product of the United States, which unduly discriminate against the United States or the products thereof, and that such foreign country pays no export bounty or imposes no export duty or prohibition upon the exportation of any article to the United States which unduly discriminates against the United States or the products thereof, and that such foreign country accords to the agricultural, manufactured, or other products of the United States treatment which is reciprocal and equivalent, thereupon and thereafter, upon proclamation to this effect by the President of the United States, all articles when imported into the United States, or any of its possessions (except the Philippine Islands and the Islands of Guam and Tutuila), from such foreign country shall, except as otherwise herein provided, be admitted under the terms of the minimum tariff of the United States as prescribed by section 1 of this act. The proclamation issued by the President under the authority hereby conferred and the application of the minimum tariff thereupon may, in accordance with the facts as found by the President, extend to the whole of any foreign country, or may be confined to or exclude from its effect any dependency, colony, or other political subdivision having authority to adopt and enforce tariff legislation, or to impose restrictions or regulations, or to grant concessions upon the exportation or importation of articles which are, or may be, imported into the United States. Whenever the President shall be satisfied that the conditions which led to the issuance of the proclamation hereinbefore authorized no longer exist, he shall issue a proclamation to this effect, and 90 days thereafter the provisions of the maximum tariff shall be applied to the importation of articles from such country. Whenever the provisions of the maximum tariff of the United States shall be applicable to articles imported from any foreign country they shall be applicable to the products of such country, whether imported directly from the country of production or otherwise. To secure information to assist the President in the discharge of the duties imposed upon him by this section, and the officers of the Government in the administration of the customs laws, the President is hereby authorized to employ such persons as may be required.

Mr. LODGE. Whether I was right or wrong in what my memory told me, there is no doubt, I think, about the correctness of my statement of the impracticability of this measure at this time.

Mr. SMOOT. There is no question about it, Mr. President; and before ever it could go into operation there would have to be arrangements made with every country in the world, just the same as were made at the time the Payne-Aldrich bill became a law. Therefore, as an emergency bill, it could do us no good.

Mr. UNDERWOOD. Mr. President, I do not like to interrupt the Senator; but, in order that this may be historically accurate, I wish to say that the Payne-Aldrich bill went into force before the negotiations were made, of course, because they were made under that bill.

Mr. MOSES. Mr. President, I think I can still further reassure the Senator from Massachusetts and the Senator from Utah, because at the time the Payne-Aldrich bill went into effect, and this provision was in it, I was taking orders from the distinguished junior Senator from Pennsylvania [Mr. KNOX], who instructed me to secure from the two Governments to which I was then accredited their agreement under this bill. It took me just the length of time that I could go from the legation to the foreign office and get back and send a cablegram to do it; and I imagine that the diplomats of to-day can be quite as expeditious.

The PRESIDING OFFICER. The question is on the amendment, in the nature of a substitute, of the Senator from New Hampshire [Mr. MOSES].

Mr. HARRISON. I call for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered upon the amendment. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. KNOX (when his name was called). In the absence of the senior Senator from Oregon [Mr. CHAMBERLAIN], with whom I am paired, I withhold my vote.

Mr. POMERENE (when his name was called). Again announcing my pair with the senator Senator from Iowa [Mr. CUMMINS], I transfer that pair to the senior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "nay."

Mr. TOWNSEND (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the senior Senator from Minnesota [Mr. NELSON] and will vote. I vote "nay."

The roll call was concluded.

Mr. NEW. I desire to announce the absence of my colleague [Mr. WATSON] on account of illness. If he were present, he would vote "nay."

Mr. GLASS. I transfer my pair with the senior Senator from Illinois [Mr. SHERMAN] to the senior Senator from Texas [Mr. CULBERSON] and will vote. I vote "nay."

Mr. WOLCOTT. I transfer my pair with the Senator from Indiana [Mr. WATSON] to the Senator from Arizona [Mr. SMITH] and will vote. I vote "nay."

Mr. FERNALD. I have a general pair with the junior Senator from South Dakota [Mr. JOHNSON]. I transfer that pair to the junior Senator from Maryland [Mr. FRANCE] and will vote. I vote "nay."

Mr. REED. I have a pair with the Senator from Vermont [Mr. PAGE]. I transfer that pair to the Senator from California [Mr. PHELAN] and will vote. I vote "nay."

The result was announced—yeas 2, nays 77, as follows:

YEAS—2.			
Keyes		Moses	
NAYS—77.			
Ashurst	Gooding	McCormick	Smoot
Ball	Gore	McCumber	Spencer
Beckham	Gronna	McKellar	Stanley
Borah	Hale	McLean	Sterling
Brandegee	Harris	McNary	Sutherland
Calder	Harrison	Myers	Swanson
Capper	Heflin	New	Thomas
Colt	Henderson	Overman	Townsend
Curtis	Hitchcock	Penrose	Trammell
Dial	Johnson, Calif.	Phipps	Underwood
Dillingham	Jones, N. Mex.	Pittman	Wadsworth
Edge	Jones, Wash.	Poindestex	Walsh, Mass.
Elkins	Kellogg	Pomerene	Walsh, Mont.
Fall	Kendrick	Ransdell	Warren
Fernald	Kenyon	Reed	Williams
Fletcher	King	Sheppard	Willis
Frelinghuysen	Kirby	Simmons	Wolcott
Gay	La Follette	Smith, Ga.	
Gerry	Lenroot	Smith, Md.	
Glass	Lodge	Smith, S. C.	
NOT VOTING—17.			
Chamberlain	Knox	Page	Smith, Ariz.
Culbertson	Nelson	Phelan	Watson
Cummins	Newberry	Robinson	
France	Norris	Sherman	
Johnson, S. Dak.	Owen	Shields	

So Mr. MOSES's amendment, in the nature of a substitute, was rejected.

Mr. JOHNSON of California. Mr. President, I move, on page 2, line 21, to change the duty on lemons from 1½ cents a pound to 2 cents a pound.

I have several amendments which I wish to offer relating to lemons and olives. I realize the lateness of the hour and the impossibility of impressing the facts as perhaps they ought to be impressed. I have before me the relative cost as to labor, transportation, and the like, demonstrating conclusively that the tariff rates fixed upon lemons and olives and olive oil are the very minimum under which these great industries of the West can subsist. It is not a profit-making tariff we ask; we ask merely that we may live; that the rates fixed may be those that will enable us simply to live.

Mr. PENROSE. Mr. President, I desire to say, before the amendments are read, that I have carefully examined them, as have the other members of the committee, and I feel justified, and authorized on behalf of the committee, in accepting the amendments of the Senator from California.

Mr. ASHURST. Mr. President, following the expression of our great leader in the recent campaign, who urged a tariff on lemons that would equalize the difference between the cost of production at home and abroad, I shall take pleasure in voting for that Democratic doctrine and vote "aye" on this.

The PRESIDING OFFICER. The Secretary will state the first amendment of the Senator from California [Mr. JOHNSON].



The ASSISTANT SECRETARY. Page 2, line 21, reads:

Lemons, 1½ cents per pound.

It is proposed to strike out "1½" and insert in lieu thereof "2."

Mr. THOMAS. Mr. President, I wish to record my objection to this amendment, notwithstanding it is acceptable to the Finance Committee and my distinguished friend from the lemon-growing State of Arizona.

The only competition in the United States between the Pacific slope lemon grower and the Italian importation is on the Atlantic seaboard. This industry has the rest of the country as a monopoly. It sells its products to the people of my State at a price very largely in advance of the price at which they are offered on the Atlantic seaboard, although my State is less than a thousand miles from the place of production and the Atlantic seaboard is 3,000 miles away.

The purpose of this bill is to give the lemon growers of the Pacific coast an absolute monopoly of the lemon business in the United States. It is a monopoly without competition everywhere west of Pittsburgh. I therefore wish to record my protest against the imposition of any duty at all.

Mr. POMERENE. Mr. President, I remember, some six or seven years ago, when this question was before the Senate, the then distinguished Senator from New York, Mr. Elihu Root, made a speech protesting against any increase of the tariff on lemons. I do not think that anyone can deny his standing as a protectionist and a Republican.

There is another feature of this question to which I wish to call attention. After the ratification of the treaty between the United States and Spain a question arose as to whether the Isle of Pines belonged to Cuba or the United States. Many people in the United States, and particularly in the State of Ohio, invested in large plantations, or ranches, in the Isle of Pines, believing that it was American soil. They have planted and maintained large orange and lemon groves and are producers of other citrus fruits. Their sole market is the United States. They can and do produce and send their citrus fruits into the United States under present conditions, but if a tariff is provided, as is contained in the pending amendment, they will not have a market. But I do not know why I should discuss this question, because that does not make any difference to these Ohio people, so long as some one else gets the benefit of it. However, I thought I might call it to the attention of the Senate.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment offered by the Senator from California.

The ASSISTANT SECRETARY. On page 2, line 23, after the words "20 cents per gallon," insert a semicolon and the words "olive, 60 cents per gallon in bulk, 70 cents per gallon in containers of less than 5 gallons."

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment offered by the Senator from California.

The ASSISTANT SECRETARY. On page 6, after line 24, insert a new paragraph, to be paragraph 28, to read as follows:

28. Olives in solution, 25 cents per gallon; olives not in solution, 5 cents per pound.

The amendment was agreed to.

Mr. McCUMBER. Mr. President, I offer the following amendment. On page 2, after line 5, I move to insert the following:

Flaxseed, 30 cents per bushel of 56 pounds.

I merely desire to say that the State of North Dakota raises about one-third of all the flax raised in the United States. The entire amount raised in the United States is about 11,000,000 bushels. The amount imported last year was 24,300,000 bushels, or a little over twice the amount we raised in the United States. On September 2, 1920, the price was \$3.26 a bushel. On January 28, 1921, it had dropped to \$1.83 a bushel.

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 2, after line 5, insert:

Flaxseed, 30 cents per bushel of 56 pounds.

The amendment was agreed to.

Mr. SPENCER. Mr. President, I offer an amendment which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. Add a separate paragraph on page 6, at the foot of the page, to be numbered 29, and to read:

29. Sunflower seed, 2 cents per pound; sunflower oil, 20 cents per gallon.

Mr. SPENCER. Mr. President, I want the attention of the Senate for a moment to the subject of sunflower seed. I am

largely moved to comment on this by the delightful satire of the eloquent junior Senator from Mississippi [Mr. HARRISON]. A few weeks ago I felt very much about sunflower seed as he did. I knew nothing about it, except that it was a great stalk, which, unlike the State—Kansas—which it represents, becomes less attractive the closer you get to it. Yet, as a matter of fact, it does mean a great deal to my State. There were more than 3,000,000 pounds of sunflower seed imported from South America last year. The result has been that the industry in Missouri—we might call it an infant industry in agriculture, for such it is—is seriously threatened. Missouri raises more sunflower seed than any other State, though Montana, Utah, Arizona, Wyoming, and New Mexico also raise a great deal of sunflower seed. It is good for the field; it is good for stock; chickens and hogs and mules eat it; and, strange as it may seem, in Russia they eat sunflower seed as we eat peanuts, and perhaps the atrocities of the protective tariff, as it appears to some of my colleagues from Southern States, may be somewhat mitigated in the case of sunflower seed because of this similarity of sunflower seed to peanuts as a food. It is an industry which is threatened, particularly at this time, by South America.

Sunflower seed can be brought from Argentina to New York for 35.7 cents a hundred pounds. It costs 95.4 cents per 100 pounds to bring it from southeast Missouri to New York, and the necessity of the tariff on what I like to call this infant industry in agriculture is manifest.

Mr. THOMAS. Mr. President, your State [Mr. CURTIS in the chair] is known as the "Sunflower" State. I do not believe that Kansas has yet asked for a duty upon sunflowers. I have traveled over that magnificent State many times during many years, and at certain seasons of the year the sunflower is the conspicuous feature of the landscape. I am satisfied that without protection nature will give us more sunflowers and more sunflower seed, and do so not only upon a larger scale but in a more propitious soil, than would be the result in dear old Missouri if we tried to build up the industry there.

What the Senator from Missouri needs is protection against Kansas, not against South America, not against Russia, where they eat sunflower seed in place of peanuts, and seem to enjoy them. He needs protection against the great State of Kansas, and I wish there were some way in which we could benefit that industry by excluding the Kansas product from Missouri territory.

This may be an infant industry, but castor oil is an industry for infants, and it seems to me that if we are going to protect all the oil in the country and all the oil seeds in the country something should be said for castor oil.

Senators will remember that castor oil was necessary not only for infants but for the infant industry, aviation, in the war. As a consequence we established the cultivation of the castor oil plant as a war industry, and in Arizona, as the Senator suggests. So, of course, he will agree with me that it ought to have a prohibitive rate of protection.

Mr. President, what would become of the country if we got into another war without castor oil? How could we lubricate our air machines to meet the foe? We must not overlook this great and useful product, absolutely essential in war times, when this emergency is before us and when there is the prospect of trouble elsewhere without castor oil in the country.

I move to amend, therefore, so as to include castor beans and castor oil at the same rate of duty.

Mr. REED. Mr. President, I never thought the time would come when I would advocate a tariff for purely protective reasons. But the amendment offered by my colleague [Mr. SPENCER] is of such an appealing nature and the emergency is so great that I feel we ought to agree to his amendment.

The Republican Party swept the State of Missouri by an enormous vote. They did so partially by promising the people the great benefits they were about to confer upon the State. I have waited long and patiently to learn in what respect they intended to confer those benefits. I am now convinced that the cat is out of the bag and that we now know in what way the Republican Party is going to benefit Missouri. So the great Senator from that State brings forward as the first fruits of Republican victory and reform this proposition to protect the infant sunflower industry of Missouri. Mr. President, I intend to vote with my colleague. I think it is the only thing his party has proposed that has any sense in it and the only thing that will bring any results.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The question is on the amendment offered by the Senator from Colorado to the amendment of the Senator from Missouri.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment offered by the Senator from Missouri.

Mr. HARRISON. On that question I demand the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I transfer my pair with the Senator from South Dakota [Mr. JOHNSON] to the Senator from Maryland [Mr. FRANCE] and vote "yea."

Mr. GLASS (when his name was called). Making the same announcement with reference to my pair and transfer as on the previous vote, I vote "nay."

Mr. KNOX (when his name was called). Repeating the announcement made on the last vote, I withhold my vote.

Mr. POMERENE (when his name was called). Again announcing my pair with the senior Senator from Iowa [Mr. CUMMINS], I transfer that pair to the senior Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. REED (when his name was called). Very much to my regret, I find I am paired on this vote. I do not know how the Senator from Vermont [Mr. PAGE], with whom I am paired, would vote, and I am therefore compelled to withhold my vote.

Mr. TOWNSEND (when his name was called). I transfer my pair with the Senator from Arkansas [Mr. ROBINSON] to the Senator from Minnesota [Mr. NELSON] and vote "nay."

Mr. WOLCOTT (when his name was called). I transfer my pair with the senior Senator from Indiana [Mr. WATSON] to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. FERNALD (after having voted in the affirmative). The Senator from Maryland [Mr. FRANCE], to whom I transferred my pair, has just entered the Chamber. So I am compelled to withdraw my vote.

The result was announced—yeas 15, nays 62, as follows:

## YEAS—15.

Capper	Johnson, Calif.	McLean	Spencer
Frelighuysen	Jones, N. Mex.	McNary	Sutherland
Gooding	Lodge	Myers	Willis
Hale	McCumber	Penrose	

## NAYS—62.

Ashurst	Gerry	La Follette	Smoot
Ball	Glass	Lenroot	Stanley
Beckham	Gore	McKellar	Sterling
Borah	Gronna	Moses	Swanson
Brandegee	Harris	New	Thomas
Calder	Harrison	Overman	Townsend
Colt	Heflin	Phipps	Trammell
Curtis	Henderson	Pittman	Underwood
Dial	Hitchcock	Poindexter	Wadsworth
Dillingham	Jones, Wash.	Pomerene	Walsh, Mass.
Edge	Kellogg	Ransdell	Walsh, Mont.
Elkins	Kendrick	Sheppard	Warren
Fall	Kenyon	Simmons	Williams
Fletcher	Keyes	Smith, Ga.	Wolcott
France	King	Smith, Md.	
Gay	Kirby	Smith, S. C.	

## NOT VOTING—19.

Chamberlain	Knox	Owen	Sherman
Culberson	McCormick	Page	Shields
Cummins	Nelson	Phelan	Smith, Ariz.
Fernald	Newberry	Reed	Watson
Johnson, S. Dak.	Norris	Robinson	

So Mr. SPENCER's amendment was rejected.

Mr. THOMAS. Mr. President, I send an amendment to the desk which I ask to have reported.

The PRESIDING OFFICER. The amendment will be read.

The ASSISTANT SECRETARY. Insert as a new section at the end of the bill the following:

Sec. —. The revenues derived from the duties herein provided shall constitute a fund and the same is hereby appropriated for the relief of employees who through no fault of their own have become idle because of the emergency which this act is designed to overcome. The moneys here appropriated shall be distributed by the Commissioner of Internal Revenue under such rules and regulations as he, with the approval of the Secretary of the Treasury, shall provide.

The relief herein provided for shall not be extended to any person after his or her reemployment, whether by former employer or in other vocations.

Mr. THOMAS. On agreeing to the amendment I demand the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. LODGE. Mr. President, I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. In paragraph 17, on page 3, line 20, after the words "per pound," insert the following proviso:

*Provided*, That skirted wools, as imported in 1890 and prior thereto, shall not pay a duty in excess of 15 cents a pound.

Mr. BORAH. Mr. President, I should like to know what the amendment means.

Mr. LODGE. I will explain it to Senators with great pleasure. The language of the paragraph is so loosely drawn that we thought it might do what was not intended, place a heavy duty on washed and scoured wool, or skirted wool, which would be a very serious thing indeed for all the wool industry. I

have talked with representatives of the woolgrowers on the subject, and they are entirely satisfied with the provision; in fact, they suggested it.

Mr. WALSH of Montana. Mr. President, I have endeavored to comprehend the significance of the amendment, as the wool industry is one of very great importance to my State, but even after the explanation made by the Senator from Massachusetts [Mr. LODGE], brief and cursory, I have no idea what the amendment means. I can not even apply it. Is the amendment the one printed in the collection of amendments, page 19, reading as follows:

*Provided*, That skirted wools, as imported in 1890 and prior thereto, are hereby exempted.

Mr. LODGE. That is not the form in which I have presented it.

Mr. WALSH of Montana. I was at a loss to understand what was the exemption.

Mr. LODGE. I modified the amendment as printed, as I had a right to do. I have modified it so as to make it provide that the duty on skirted wool shall not be more than 15 cents a pound. I have submitted the amendment to the representatives of the woolgrowers, and they have stated that was a suitable provision. The provision of the bill is so loosely drawn that one can not tell whether skirted wool comes in under any duty or not.

Mr. UNDERWOOD. I am not sure that I can throw light on the subject, but it seemed for an instant as though light were dawning on the other side of the Chamber, and I should like to reflect it if I can.

As I understand, skirted wool is that part of the fleece of the sheep which is left after cutting off the short wool. It is the long wool; in ordinary tariff bills skirted wool pays a higher duty than does ordinary wool. However, the Senator from Massachusetts, out of the generosity of his heart, in order to help the American people secure cheaper clothing, desires in this instance to reduce the import price of skirted wools. It seems to me, if that is the case—and that is as I understand it—that we ought to welcome the opportunity that comes to us.

Mr. WALSH of Montana. Mr. President, I think the Senator from Alabama has correctly interpreted the consequence of the proposed amendment. Skirted wool is prepared by clipping from the fleece the inferior part of the fleece which comes from the leg, neck, and the head, so that the skirted fleece is a kind of wool of a higher character than the unskirted fleece. Accordingly, it usually carries a higher duty than does the fleece in its ordinary form. The lower grades of wool would ordinarily carry lower rates of duty. The amendment is intended to take away from the growers of wool the regular rate of duty as prescribed in the measure; in other words, it lowers to that extent the duty on wool.

Mr. UNDERWOOD. And, of course, is an assault on the American farmer.

Mr. WALSH of Montana. The amendment is obviously offered in the interest of the manufacturers of wool against the purpose of the bill which is intended to protect the producer.

Mr. JONES of New Mexico. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from New Mexico?

Mr. LODGE. I yield.

Mr. JONES of New Mexico. I merely wish to observe that what the Senator from Montana and the Senator from Alabama have said is true; but the amendment will also operate to discriminate in another way. The unskirted portions of the fleece are usually the heavier parts, containing the larger percentage of grease and dirt. I, therefore, do not believe that the amendment should carry; certainly not if it is designed to give the woolen industry the protection which that industry thinks it ought to receive at this time.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts.

The amendment was rejected.

Mr. LODGE. I have one other amendment which I desire to offer.

The PRESIDING OFFICER. The amendment proposed by the Senator from Massachusetts will be stated.

The ASSISTANT SECRETARY. On page 4 it is proposed to strike out all after the words "scoured condition," in line 8, and to insert the following:

and put through any or all of those processes of manufacture necessary to the production of tops and not through any subsequent processes, 50 cents per pound; advanced through any or all of those processes necessary for the production of yarns but not through any subsequent processes, 52½ cents per pound; advanced beyond yarns through any or all of the processes necessary for the production of cloth, woven fabrics, or knitted fabrics, 60 cents per pound.



The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Massachusetts.

Mr. LODGE. Mr. President, I desire to say that the proposed amendment simply provides for increasing the compensatory duty which is provided by the bill as reported by the committee. The woolen mills of the country are the purchasers of the wool crop, and if they are to be hampered and broken down, the growers of wool will lose their market. If we are to have duties on wool in the different conditions described in the bill, it is only right to give a compensatory duty to the manufacturer.

Mr. WALSH of Montana. Mr. President, I think not only that this amendment should not be adopted, but upon the theory upon which the bill is presented here, paragraph 19, as it is numbered in the print before me, should not be adopted at all. It should be made no more liberal certainly. The justification for giving wool a place in this emergency tariff bill rests upon what I stated the other day to be a very stable foundation. There is a good reason for according special consideration to wool at this time in any kind of a relief measure. I shall not repeat what I said the other day. The argument is—and it is a just one—that the market is now glutted with wool in consequence of the accumulations made during the war. We have been told upon the floor as a justification for this proposed legislation—although the statement as I showed is not accurate—that there is an accumulation of wool in this country adequate for two years, or, if not for two years at least for a year, and that wool is now in the hands of the manufacturers and the dealers to whom the manufacturers go for it. It is the purpose to stimulate production as much as possible and to stimulate the use of wool in this country, as well as in other countries, in order that this great accumulation of the world's supply may be used up. The purpose of this amendment is to put a heavy duty upon importations of woolen manufactures and thus increase the price of the domestic product to purchasers in this country, thereby reducing the consumption of goods of woolen manufacture.

If the premise is correct and there is now in the hands of the manufacturers and dealers in wool in this country a supply adequate to meet all their wants for the period of a whole year, why should they get any compensatory duty upon the products which they put upon the market from those accumulated supplies?

In this connection, I want to advert to a discussion that was had with relation to that matter. The report made by the tariff commission recited the wool surplus, as it was designated, now in the world. It runs into an enormous figure, something in the neighborhood of a billion dollars worth. It was a question as to whether that meant that there is upon the world market that amount of wool over the amount that would ordinarily be carried over from year to year, or whether it meant that that was the amount which was carried over. The fact about the matter is that it does not represent either one or the other. We have no means of knowing how much wool there is carried over from the past season, for the reason that no statistics concerning that matter are available at all, as we are advised by the Tariff Commission. The British Board of Trade is in possession of figures disclosing what wool is in hand in the countries of Europe, but they decline to make those figures public, and we have no other source of information with respect to it; we are unadvised whether they are carrying over large supplies or whether they have none whatever. If they have no supplies, or practically no supplies in their warehouses, then the probabilities are that we are carrying over no more or not much more than ordinarily, and the problem is to get an opportunity to use up that surplus supply so that it shall not depress the wool market for the future.

But to get back to the pending amendment, we are putting the duty on upon the theory that the manufacturers of the country, who have bought up the 600,000,000 pounds of wool which the Government has placed upon the market during the past two years, are in a situation where the domestic market is so depressed that the price of wool has fallen to one-half the cost of production. Under those circumstances, I can not see why a compensatory duty should be awarded to the manufacturers of woolen goods in this country.

Mr. LODGE. Mr. President, admitting that there is a large supply of wool on hand—and the figures seem to differ—it is in the storehouses and has not been purchased by the manufacturers. If it had been purchased by the manufacturers, the price of it would have gone into the pockets of the wool growers. The object is to encourage the consumption of the surplus of wool now on hand. The only people who will use it will be the domestic manufacturers; otherwise every pound of it would have been exported before now.

We expect the domestic manufacturers to use this surplus of wool that is here. By raising the duties on all wool to a high point, and not giving a proper compensatory duty, we are making every arrangement to allow the manufactured product to come in cheap, and then the domestic manufacturers will not buy the accumulated wool. The amendment will not affect the duties placed on wool; it will simply enable the domestic manufacturers to buy the wool. If they are prevented by competition in manufactured wools from buying that wool, the woolgrowers will be just as badly off as they are now. We have raised the duties on the various stages of wool to equal the duties of the Payne-Aldrich bill, but have kept down the rates on woolen manufactures. The result, of course, will be the destruction practically of the market in which the growers must sell their wool.

Mr. JONES of New Mexico. Mr. President, it seems to me that paragraph 19 in the bill gives a proper compensatory duty to meet the duty on raw wool. Paragraph 19 specifically provides where the wool has been advanced in any way by any process of manufacture beyond the scoured condition that there shall be an additional duty of 45 cents a pound levied. Forty-five cents a pound is the maximum duty on raw wool in its scoured state. There is a compensatory duty exactly equal to the duty which is placed upon the raw product, and it applies in addition to any duty existing at the present time upon the manufactured products of wool. This provision in the bill is designed to take care of the duty which the bill levies upon raw wool, and I submit that it furnishes a sufficient compensatory duty upon the manufactured product. We have a tariff now upon the manufactured product; this increases that tariff to the extent of 45 cents per pound, which is the maximum of any duty upon scoured wool; and to increase that duty further would be simply giving a bounty or a subsidy to the manufacturer in addition to that which he enjoys at the present time.

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). The question is on the amendment of the Senator from Massachusetts [Mr. LODGE].

Mr. LODGE and Mr. MOSES called for the yeas and nays, and they were ordered.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. GLASS (when his name was called). Repeating the announcement made on the last roll call, I vote "nay."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN], who is absent, and therefore withhold my vote. If the Senator from Wyoming were present he would vote "yea," and I would vote "nay."

Mr. POMERENE (when his name was called). Again announcing my pair with the senior Senator from Iowa [Mr. CUMMINS], I transfer that pair to the senior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "nay."

Mr. UNDERWOOD (when Mr. REED's name was called). The senior Senator from Missouri [Mr. REED] has been called from the Chamber. He asked me to announce that he is paired with the junior Senator from Vermont [Mr. PAGE] and, if present, would vote "nay."

Mr. TOWNSEND (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON], and in his absence withhold my vote.

Mr. WOLCOTT (when his name was called). I transfer my pair with the Senator from Indiana [Mr. WATSON] to the Senator from Arizona [Mr. SMITH] and will vote. I vote "nay."

Mr. KNOX. I inquire if the senior Senator from Oregon [Mr. CHAMBERLAIN] has voted?

The PRESIDING OFFICER. He has not.

Mr. KNOX. In his absence I withhold my vote, as I am paired with him.

Mr. CURTIS. I have been requested to announce that the Senator from Maine [Mr. FERNALD] is paired with the Senator from South Dakota [Mr. JOHNSON].

The result was announced—yeas 31, nays 44, as follows:

## YEAS—31.

Ball  
Brandegee  
Calder  
Capper  
Coff  
Curtis  
Dillingham  
Edge

Elkins  
France  
Frelinghuysen  
Gooding  
Hale  
Johnson, Calif.  
Jones, Wash.  
Kellogg

Keyes  
Lodge  
McCumber  
McLean  
McNary  
Moses  
New  
Penrose

Phipps  
Poindexter  
Smoot  
Spencer  
Sutherland  
Wadsworth  
Willis

## NAYS—44.

Ashurst  
Beckham  
Borah  
Dial

Fall  
Fletcher  
Gay  
Gerry

Glass  
Gore  
Gronna  
Harris

Harrison  
Healin  
Henderson  
Hitchcock

Jones, N. Mex.  
Kendrick  
Kenyon  
King  
Kirby  
La Follette  
Lenroot

McCormick  
McKellar  
Myers  
Owen  
Pittman  
Pomerene  
Ransdell

Sheppard  
Simmons  
Smith, Md.  
Smith, S. C.  
Stanley  
Sterling  
Swanson

Thomas  
Trammell  
Underwood  
Walsh, Mass.  
Walsh, Mont.  
Williams  
Wolcott

## NOT VOTING—21.

Chamberlain  
Culberson  
Cummins  
Fernald  
Johnson, S. Dak.  
Knox

Nelson  
Newberry  
Norris  
Overman  
Page  
Phelan

Reed  
Robinson  
Sherman  
Shields  
Smith, Ariz.  
Smith, Ga.

Townsend  
Warren  
Watson

So Mr. LODGE's amendment was rejected.

Mr. JONES of Washington. Mr. President, I have presented three amendments which have been printed. They affect industries in my State. I am not going to offer them to this bill, however, for two or three reasons.

One reason is that I recognize that this is an emergency measure, and facts have not been submitted to me that show that a necessity exists for these duties as an emergency measure, although I am satisfied that these interests require protection. I feel satisfied that they will be taken care of in the general revision bill, so I am not going to risk an adverse vote in the Senate upon them now; and furthermore, as I say, I am not myself in possession of facts that show them to be emergent.

Furthermore, Mr. President, I have been satisfied from the beginning, so far as I am concerned, that this measure never will become a law. The President will veto it. We can not pass it over his veto. That is a very good reason to me for refraining from proposing any further amendments to the bill.

Mr. THOMAS. Mr. President, I offer an amendment, which, on the 5th day of January, I presented to the Senate. This amendment consists of the House immigration bill.

Mr. ASHURST. As it passed the House?

Mr. THOMAS. As it passed the House; and, among other things, it suspends for a considerable period of time further immigration to the United States.

The PRESIDING OFFICER. The Secretary will state the amendment offered by the Senator from Colorado.

Mr. LODGE. Mr. President, I do not know whether the Senator desires to have the entire immigration bill read or not. I think it is only fair to say—

Mr. THOMAS. I do not insist upon it.

The PRESIDING OFFICER. Without objection, then, the reading will be dispensed with.

Mr. LODGE. It is not germane to this bill.

Mr. THOMAS's amendment was, on page 7, after section 4, to insert the following:

SEC. 5. The term "United States" means the United States and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone and the Philippine Islands; but if any alien, or any alien seaman, leaves the Canal Zone or any insular possession of the United States and attempts to enter any other place under the jurisdiction of the United States nothing contained in this act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens, or to all alien seamen, respectively;

The term "immigration act" means the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to and the residence of aliens in the United States"; and the term "immigration laws" includes such act and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, or expulsion of aliens; and

The word "alien" includes any person not a native-born or naturalized citizen of the United States, but this definition shall not be held to include Indians of the United States nor taxed nor citizens of the islands under the jurisdiction of the United States.

SEC. 6. Except as otherwise provided in this act, from 60 days after the passage of this act and until the expiration of 14 months next after its passage, the immigration of aliens to the United States is prohibited, and during such time it shall not be lawful for any alien to enter the United States from any foreign port or place, or, having so entered, to remain within the United States.

SEC. 7. (a) Section 2 shall not apply to otherwise admissible aliens lawfully resident in the United States nor to otherwise admissible aliens of the following status or occupations when complying with the requirements of this section and with all other provisions of the immigration laws:

(1) Government officials, their families, attendants, servants, and employees;

(2) Travelers or temporary sojourners for pleasure or business who may enter the United States during the time of suspension of immigration for a period not exceeding six months each, which period may be extended in individual cases by the Secretary of State;

(3) Bona fide students who may enter the United States solely for the purpose of study at educational institutions particularly designated by them; and upon graduation, completion, or discontinuance of studies they shall not be entitled to remain in the United States;

(4) Ministers of any religious denomination.

(b) An alien belonging to one of the classes or persons enumerated in subdivision (a) shall be permitted to enter the United States only upon presentation of a valid passport or other official document in the nature of a passport (hereinafter referred to as a passport) satisfactorily establishing his identity, nationality, and to which of the classes so enumerated he belongs, together with a signed and certified photograph of the bearer attached. A wife, or a female child under 21 years of age or a male child under 16 years of age, may be included in the passport of a husband or parent, but a photograph of each must be

attached to the passport. Each male child 16 years of age or over must carry a separate passport.

(c) Each such passport must be viséed by an American consulate, or a diplomatic mission if specially authorized, in the country from which the holder starts on his trip to the United States, and if such country is not the country to which he owes allegiance the passport must also be viséed by a diplomatic or consular officer therein of his own country. In all cases the passport must also be viséed by an American consulate, or the diplomatic mission if specially authorized, in the country from which the alien embarks for the United States, or if he comes by land, the country by which he enters the United States.

(d) Each alien coming within the provisions of this section, except a duly accredited Government official, must furnish to the American diplomatic or consular officer who visés the passport in the foreign country from which he starts on his trip to the United States, and to the American authorities at the port of entry or elsewhere in the United States, a written declaration setting forth: (1) The date and place of the bearer's birth; (2) the nationality and race of his father and mother; (3) the place of the bearer's last foreign residence and the other places, if any, where he has resided within the past five years, and what has been his occupation during that period; (4) if he has ever been in this country, the dates and objects of his visits and the places and addresses where he resided or sojourned; (5) the date set for his departure for the United States, the port of embarkation, and the name of the ship on which he is to sail, if he goes by water; (6) names and addresses of persons acquainted with the applicant in the country from which he starts and in the United States, if any; (7) the expected duration and object of his proposed visit to this country, the documentary or other proofs of such objects submitted, and the place or places in the United States where he expects to sojourn or reside; (8) that the bearer knows and understands the provisions of the immigration laws excluding certain classes of aliens from the United States and is certain that he does not fall within any of such classes; (9) that the bearer understands that if, on arrival at a port of the United States he is found to be a member of a class excluded by the immigration laws, he will be deported, if practicable, or, if for any reason deportation should be found to be impracticable, will be held in detention in an immigration station or other place of confinement, and that he is, with full understanding thereof, assuming all risks involved in a possible return trip in consequence of being rejected under such law.

(e) A wife or minor child who does not expect to reside with the husband or father in the United States must carry a separate declaration.

(f) Each declaration must be affirmed or sworn to before a consular officer, or a diplomatic officer of the United States if specially authorized, and signed in triplicate, and a photograph of the declarant must be attached to each copy, with an impression of the official seal. The declaration must be made at least two weeks before the date of intended departure, except in cases of extraordinary emergency. One copy of the declaration must be filed in the embassy, legation, or consulate by which the passport is first viséed, one copy forwarded immediately to the Commissioner of Immigration or inspector in charge at the port of entry by which the declarant expects to enter the United States, and one copy fastened to the passport of the declarant in such a way that it may be removed upon his departure from the United States. The copy last mentioned must be presented with the passport to the official at the port of entry into this country who examines passports, and to the immigration official who inspects the holder, and to such other officials in the United States as may be authorized to inspect such documents.

SEC. 8. (a) A citizen of the United States who is 21 years of age or over, who is a resident of the United States, may, under regulations prescribed by the Secretary of Labor, apply to him for permission to bring into the United States or send for an otherwise admissible wife, parent, grandparent, unmarried son or brother under 21 years of age, unmarried or widowed daughter, or sister, grandson under 16 years of age whose father is dead, or unmarried or widowed granddaughter whose father is dead; and any alien who has declared, in the manner provided by law, his intention to become a citizen of the United States, and who is a resident of the United States, may make like application in reference to an otherwise admissible husband or wife, unmarried son under 21 years of age, or unmarried or widowed daughter; but no application may be made under this paragraph in the case of any relative by adoption.

(b) If the Secretary of Labor is satisfied with the entry into the United States of such relative would not be in violation of the immigration laws, and that such relative is likely to prove a desirable resident of the United States, he may issue a permit to the applicant, under such regulations as he may prescribe, which shall authorize the immigration officers at the port of entry to examine such relative upon arrival at such port. Thereafter the right of such relative to admission shall be as provided by the immigration laws, except that it shall not be subject to the act entitled "An act to prevent in time of war departure from and entry into the United States contrary to the public safety, approved May 22, 1918," or to the provisions of any proclamation, order, rule, or regulation made thereunder, and except that the literacy test may, in the discretion of the Secretary of Labor, be waived in the case of such relative.

SEC. 9. Nothing in section 2 shall be held to prevent the importation of skilled labor under the conditions prescribed in the fourth proviso to section 3 of the immigration act, nor to the importation of persons employed as domestic servants.

SEC. 10. The joint resolution approved October 19, 1918, entitled "Joint resolution authorizing the readmission to the United States of certain aliens who have been conscripted or who have volunteered for service with the military forces of the United States or cobelligerent forces" is hereby amended by adding thereto a proviso reading as follows: "Provided, That if any such alien shall on arrival at a port of the United States be found to be afflicted with a loathsome or contagious disease, such alien shall not be readmitted until he shall have been treated in hospital and the disease reduced to a noncontagious stage."

SEC. 11. During the period of suspension provided for in section 2 otherwise admissible aliens who have resided continuously in the Dominion of Canada, Newfoundland, the Republic of Cuba, or the Republic of Mexico for at least one year may be temporarily admitted, for a period not exceeding six months, from such countries, under such rules governing entry, inspection, temporary stay, and departure as may be prescribed by the Commissioner General of Immigration, with the approval of the Secretary of Labor.

SEC. 12. Any alien who at any time after entering the United States is found to have been at the time of entry not entitled under this act to enter the United States, or to have remained therein for a longer time



than permitted under section 3 or section 7, shall be taken into custody and deported in the manner provided for in sections 19 and 20 of the immigration act.

Sec. 13. The provisions of sections 18 and 20 of the immigration act, assessing a penalty for failure or refusal to accept, to detain, or guard safely, to return, and to transport to foreign destination aliens excluded or expelled from the United States, or to pay maintenance and deportation expenses of aliens, or for making any charge for the return of excluded or expelled aliens, or for taking any security for the payment of such charge, or for taking any consideration from aliens to be returned in case of landing, or for bringing to the United States any deported aliens within a year from date of deportation without the consent of the Secretary of Labor, shall apply to and be enforced in connection with the provisions of this act relating to the exclusion or expulsion of aliens.

Sec. 14. Willfully to give false evidence or swear to any false statement in connection with the enforcement of this act shall constitute perjury as such offense is defined in section 16 of the immigration act; and the provisions of sections 16 and 17 of the immigration act, prescribing methods of procuring evidence concerning aliens, and defining offenses and prescribing punishments therefor, shall apply to and be enforced in connection with the provisions of this act.

Sec. 15. Any person who substitutes any name for the name written in any document herein required, or any photograph for the photograph attached to any such document, or forges or in any manner alters any such document, or falsely personates any person named in any such document, or issues or utters any forged or fraudulent document, or presents to an immigrant inspector or other Government official any forged or fraudulent document, and any person other than the one to whom there has been duly issued any document prescribed by this act who presents to an immigrant inspector or other Government official any such document, shall be guilty of a felony and upon conviction thereof shall in cases where no other penalty is required by law be fined in a sum not exceeding \$1,000 or be imprisoned for a term of not more than five years, or both.

Sec. 16. The Commissioner General of Immigration shall, with the approval of the Secretary of Labor, issue such regulations, not inconsistent with law, as may be deemed necessary and appropriate to place this act in full force and operation (except that regulations for the vising of passports under section 3 shall be made by the Secretary of State). Such regulations shall include special rules for the application of this act to the cases of aliens coming to the United States from or through contiguous foreign territory, and to the cases of aliens entering across the land boundaries for temporary stay or at frequent intervals; also special rules to insure that the provisions of this act, of the immigration act, or of any law, convention, or treaty relating to immigration shall not be violated by aliens arriving at ports of the United States employed on vessels as seamen, and that, at the same time, the enforcement of such laws shall not interfere with the operation of the act approved March 4, 1915, entitled "An act to promote the welfare of American seamen in the merchant marine of the United States, to abolish arrest and imprisonment as a penalty for desertion, and to secure the abrogation of treaty provisions in relation thereto, and to promote safety at sea."

Sec. 17. The provisions of this act are in addition to and not in substitution for the provisions of the immigration laws.

The PRESIDING OFFICER. The question is upon agreeing to the amendment offered by the Senator from Colorado.

Mr. LODGE. Mr. President, a bill has already been reported as a substitute by our own Committee on Immigration. This is a large and important subject. I am heartily in favor of legislation on the subject; but when a Senate committee has acted upon it I do not think to put the House bill through without giving it any consideration and without the amendment being read is the proper way to deal with it.

Mr. THOMAS. Of course, it will not be adopted; I know that; but if we want to relieve this emergency one way to relieve it is to suspend immigration.

Mr. HARRISON. Mr. President, may I ask the Senator from Massachusetts whether it is the policy of the other side of the Chamber to make the immigration bill that has been reported from the Immigration Committee the unfinished business immediately after this bill is voted upon?

Mr. LODGE. I am extremely anxious to get the immigration bill passed.

Mr. HARRISON. And there will be a request made to make it the unfinished business?

Mr. LODGE. I can not say whether it will be made the unfinished business or not. There are other very important measures. One is the compensation bill for the railroads; it ought to go through; and the immigration bill is one of the very most important. I have not taken it up with any of my colleagues here, but I hope we shall be able to pass the immigration bill in some form. However, to pass a bill like that now, when the Senate committee has reported it in a different form, seems to me unwise.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Colorado [Mr. THOMAS].

The amendment was rejected.

Mr. TRAMMELL. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. On page 2, line 21, after the word "lemons," it is proposed to insert the following:

Limes, oranges, grapefruit, and shaddock.

Mr. TRAMMELL. Mr. President, I have a few words to say in regard to this amendment.

By this measure we seek to tax the bread and meat of the table; we seek to tax the clothing and the shoes that we wear;

and in my State, as in a great many others, by virtue of this bill—if it accomplishes what it is intended and hoped that it will accomplish—my people are going to have to pay a greatly increased price as a result of the burden you are imposing upon them by a high protective tariff upon their articles of food and the clothing that they wear.

I am against the idea of a high protective tariff, and I do not believe there is any justification for this measure at the present time, and particularly many of its provisions; but if we are going to have to purchase what we purchase in a protected market, as far as the people of my State are concerned, then I think their industries are entitled to the same consideration at the hands of Congress.

You have increased the rate of duty upon lemons. Heretofore lemons, limes, grapefruit, and oranges have been included in the same classification under all tariff bills, as far as I have been able to review them in the past. If there is any justification for the increase upon lemons, then there is a justification for an increase of tariff certainly upon limes, which are sold more or less for a purpose similar to that for which lemons are used.

I believe the amendment is certainly far more meritorious than many that have been attached to this bill. Therefore, I hope the amendment will be adopted.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Florida [Mr. TRAMMELL].

The amendment was rejected.

SEVERAL SENATORS. Vote!

Mr. ASHURST. Mr. President, I shall satisfy the demands of my friends who are clamoring for a vote by promising to be brief.

Some days ago I proposed an amendment which will be found on page 6 of the list of printed amendments, which is as follows:

On page 3, line 11, strike out the numeral "7" and insert "30," so that if the amendment were adopted section 16 would read as follows:

Cotton having a staple of 1½ inches or more in length, 30 cents per pound.

The hour is late and the temper of the Senate is such that it would not hearken even to an eminent Senator if he spoke at length to-night, but I shall briefly give the reasons for my amendment.

The only places where Egyptian cotton is grown are, of course, Egypt, Arizona, and California.

That illustrious statesman, who is recognized as the pride of his party, the senior Senator from North Carolina [Mr. SIMMONS], in an able speech the other day said that the market for Egyptian cotton was now glutted, and that that circumstance is what brought the price down, and that learned statesman went on to say that England takes nearly all the cotton grown in Egypt; whereupon that other distinguished statesman, the Senator from North Dakota [Mr. McCUMBER], immediately pointed out that in 1920, the year just closed, Egypt exported to the United States over 400,000 bales of Egyptian cotton, and I know that every Senator who indulges in the luxury of thinking, as we all frequently do, is irresistibly driven to the conclusion that when Arizona and California together produce only about 150,000 bales, the importation of nearly four times that amount, or over 400,000 bales, will drive down the price of home cotton.

The statue of Memnon, in Egypt, by some peculiar physical law or attribute, sings when the morning sun strikes it. That colossal statue was erected four or five thousand years ago. When the morning sun strikes the statue of Memnon and it begins its song the Egyptian laborer begins his song, and so long as the sun shines he works and sings; and I repeat what I said the other day, that of all the sons of men who have walked the earth, none excel in physical endurance the swart Egyptian, who sings and works 12 long hours beneath a blazing sun. He produces this Egyptian cotton. Before the Great War he received 35 and 40 cents a day. During the war he received 50 cents a day. He is now receiving about 45 cents a day.

Data as to this product has been difficult to obtain. It has been difficult for the Bureau of Markets to acquire reliable data. But the most reliable data obtainable show that in Egypt a pound of Egyptian long-staple cotton may be produced for about 30 cents. It costs the American producer about 70 cents per pound to produce it.

Last year Egypt dumped into this country over 400,000 bales of that cotton, produced by these fellaheen of Egypt, and we are asked to go into competition with that marvelous machine of physical efficiency. I have asked that the duty be made 30 cents a pound, because that is as near the cost per pound to produce Egyptian cotton as I am able to reach, and unless some

attempt is made to equalize the difference in the cost of cotton over and above the figure I have selected our producers will be driven out of business.

Of course, the duty would be operative but for 10 months, during which time the present glutting of the market would be somewhat absorbed and normal conditions restored.

The amendment was rejected.

Mr. ASHURST. Mr. President, I have another amendment. I move to strike out, on the same line, the numeral "7" and to insert in lieu thereof the numeral "15."

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 3, line 11, strike out "7," before the word "cents," and insert in lieu thereof "15."

The amendment was rejected.

The PRESIDING OFFICER. If there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole, with the exception of one reserved by the Senator from Idaho [Mr. BORAH].

The amendments were concurred in.

The PRESIDING OFFICER. The Secretary will state the amendment reserved for action in the Senate by the Senator from Idaho.

The ASSISTANT SECRETARY. The Senator from Idaho [Mr. BORAH] reserved for a separate vote the amendment on page 3, line 4, which reads as follows:

13. Fresh or frozen beef, veal, mutton, lamb, and pork, 2 cents per pound. Meats of all kinds, prepared or preserved, not specially provided for herein, 25 per cent ad valorem.

The PRESIDING OFFICER. The question is on concurring in the amendment.

The amendment was concurred in.

Mr. SPENCER. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. Insert a new paragraph, as follows:

29. Sunflower seed, 2 cents per pound; sunflower oil, 20 cents a gallon.

Mr. SPENCER. Mr. President, of course I am not going to take the time of the Senate at this hour. I do not expect to accomplish a particle of change in the judgment of the Senate, but I want to say to Senators that I do not propose that this matter shall be regarded as a joke in the minds of many Senators, as I now know it is.

I want to say with all frankness that seven years ago the Russian Government imported into the United States 1,930,000 pounds of sunflower seed. From that moment sunflower seed began to be cultivated in the United States, and with regard to stock and soil and silage, it is a coming industry in the United States. There are farmers here who ought to know about it far better than I, who never lived on a farm in my life. Sunflower is the only crop which, when it follows corn, will kill the corn-root rot and make the soil ready for wheat.

Yet there are many Senators who are voting upon this question without any regard to its future. Even my own distinguished colleague ridiculed the product of the southeastern portion of his own State. There is merit in the position I take in regard to sunflower seed. Without any hope to change the judgment of the Senate, I ask for a vote.

The amendment was rejected.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. SIMMONS. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I transfer my pair with the senior Senator from Illinois [Mr. SHEPHERD] to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. GERRY (when Mr. GORE's name was called). The senior Senator from Oklahoma [Mr. GORE] is paired with the junior Senator from New York [Mr. CALDER]. If present, the senior Senator from Oklahoma would vote "nay."

Mr. KNOX (when his name was called). In the absence of the senior Senator from Oregon [Mr. CHAMBERLAIN], with

whom I am paired, I am compelled to withhold my vote. Were I permitted to vote, I would vote "yea."

Mr. OVERMAN (when his name was called). In the absence of the Senator from Wyoming [Mr. WARREN], with whom I have a general pair, I am bound to withhold my vote. If the Senator from Wyoming were present, he would vote "yea" and I would vote "nay."

Mr. POMERENE (when his name was called). Again announcing my pair with the senior Senator from Iowa [Mr. CUMMINS], I transfer that pair to the senior Senator from Tennessee [Mr. SHIELDS] and vote "nay."

I am authorized to announce that if the senior Senator from Tennessee were present he would vote "nay."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM]. Therefore I refrain from voting. If he were present, he would vote "yea" and I would vote "nay."

Mr. TOWNSEND (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON], which I transfer to the senior Senator from Minnesota [Mr. NELSON] and vote "yea."

Mr. WOLCOTT (when his name was called). I transfer my pair with the senior Senator from Indiana [Mr. WATSON] to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. UNDERWOOD. I wish to announce that the senior Senator from Missouri [Mr. REED] is absent and is paired with the junior Senator from Vermont [Mr. PAGE]. I am authorized to state that if the senior Senator from Missouri were present, he would vote "nay."

Mr. OVERMAN. I transfer my pair with the Senator from Wyoming [Mr. WARREN] to the Senator from Oklahoma [Mr. OWEN] and vote "nay."

Mr. CURTIS. I wish to announce that the Senator from New York [Mr. CALDER] is paired with the Senator from Oklahoma [Mr. GORE].

The result was announced—yeas 43, nays 30, as follows:

#### YEAS—43.

Ashurst	Gooding	Lenroot	Poinexter
Ball	Gronna	Lodge	Ransdell
Borah	Hale	McCormick	Sheppard
Brandeggee	Henderson	McCumber	Smoot
Capper	Johnson, Calif.	McLean	Spencer
Curtis	Jones, N. Mex.	McNary	Sterling
Elkins	Jones, Wash.	Myers	Sutherland
Fall	Kellogg	New	Townsend
France	Kendrick	Penrose	Wadsworth
Frelinghuysen	Kenyon	Phipps	Willis
Gay	La Follette	Pittman	

#### NAYS—30.

Beckham	Harrison	Overman	Trammell
Colt	Hedlin	Pomerene	Underwood
Dial	Hitchcock	Simmons	Walsh, Mass.
Edge	Keyes	Smith, Ga.	Walsh, Mont.
Fletcher	King	Smith, S. C.	Williams
Gerry	Kirby	Stanley	Wolcott
Glass	McKellar	Swanson	
Harris	Moses	Thomas	

#### NOT VOTING—23.

Calder	Gore	Owen	Shields
Chamberlain	Johnson, S. Dak.	Page	Smith, Ariz.
Culbertson	Knox	Phelan	Smith, Md.
Cummins	Nelson	Reed	Warren
Dillingham	Newberry	Robinson	Watson
Fernald	Norris	Sherman	

So the bill was passed.

Mr. PENROSE. I move that the Senate request a conference with the House of Representatives on the bill and amendments, and that the Chair appoint five conferees on the part of the Senate to confer with the proper number of conferees on the part of the House.

The motion was agreed to; and the Presiding Officer appointed Mr. PENROSE, Mr. McCUMBER, Mr. SMOOT, Mr. SIMMONS, and Mr. WILLIAMS conferees on the part of the Senate.

#### POST OFFICE APPROPRIATIONS.

Mr. TOWNSEND. Mr. President, I move that the Senate proceed to the consideration of H. R. 15441, the Post Office appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15441) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1922, and for other purposes, which had been reported from the Committee on Post Offices and Post Roads with amendments.

#### RECESS.

Mr. TOWNSEND. I move that the Senate take a recess until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 7 o'clock p. m.) the Senate took a recess until to-morrow, Thursday, February 17, 1921, at 11 o'clock a. m.



## HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 16, 1921.

The House met at 11 o'clock a. m.

Rev. James Shera Montgomery, D. D., pastor of Calvary Methodist Episcopal Church, Washington, D. C., offered the following prayer:

Heavenly Father, we pause. Let everyone feel that he is remembered. We thank Thee for earthly labor. May we do it diligently, faithfully, and successfully. And linger with us like a friend, loath to leave. And we will evermore praise Thee. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

## LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS.

Mr. NOLAN. Mr. Speaker, I yield 15 minutes to the gentleman from Connecticut [Mr. MERRITT].

Mr. WOOD of Indiana. If the gentleman will yield, I would like, Mr. Speaker, to ask unanimous consent to take from the Speaker's table the bill H. R. 15543, disagree to the Senate amendments, and comply with the request for the conference, and ask for the appointment of conferees.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table, disagree to all the Senate amendments, and agree to the conference asked by the Senate, a bill which the Clerk will report.

The Clerk proceeded to report the bill.

Mr. McCLINTIC. Mr. Speaker, I think we ought to have a quorum present.

The SPEAKER. The gentleman from Oklahoma makes the point that there is no quorum present. It is clear no quorum is present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The roll was called, and the following Members failed to answer to their names:

Ashbrook	Evans, Nebr.	McFadden	Scully
Ayres	Ferris	McGlenn	Sears
Bacharach	Focht	McKinley	Sells
Baer	Frear	McKinley	Small
Bankhead	Gallagher	McLane	Smith, Idaho
Bell	Gallivan	Maher	Smith, Ill.
Bland, Mo.	Gandy	Mann, S. C.	Smithwick
Brooks, Ill.	Ganly	Mansfield	Snell
Caldwell	Goodall	Mason	Steele
Candler	Goodwin, Ark.	Mead	Stoll
Cantrill	Graham, Pa.	Milligan	Strong, Pa.
Carew	Hamill	Moon	Sullivan
Casey	Harrell	Mooney	Thomas
Clark, Fla.	Harrison	Morin	Tinkham
Clark, Mo.	Haugen	Mudd	Vare
Classon	Howard	Nelson, Wis.	Vestal
Copley	Hudspeth	O'Connell	Vinson
Costello	Humphreys	Park	Ward
Crowther	Husted	Parker	Watkins
Currie, Mich.	Igoe	Rainey, Ala.	Weaver
Dallinger	Jacoway	Rainey, John W.	Whaley
Davey	James, Mich.	Randall, Calif.	Wheeler
Dempsey	Johnston, N. Y.	Reavis	Wilson, Ill.
Denison	Kennedy, Iowa	Reed, N. Y.	Wilson, Pa.
Dent	Kennedy, R. I.	Reed, W. Va.	Wise
Dewalt	Kiess	Riddick	Woods, Va.
Donovan	Kitchin	Riordan	Woodward
Doolling	Kieccka	Robinson, N. C.	Yates
Doughton	Kreider	Rodenberg	Young, Tex.
Eagle	Langley	Rowan	Zihlman
Edmonds	Lonerger	Rubey	
Ellsworth	McArthur	Rucker	
Emerson	McCulloch	Sanders, La.	

The SPEAKER. On this vote 299 Members have answered to their names. A quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

## QUESTION OF PERSONAL PRIVILEGE.

Mr. POU. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from North Carolina will state it.

Mr. POU. This is the report of an interview published in the Philadelphia Ledger of Wednesday, February 16, by the gentleman from California [Mr. KAHN]. I see him in his seat, so I think I can without impropriety proceed. In commenting upon the supposed action of the Committee on Rules in refusing to report favorably or to present to the House a resolution of investigation known as the Bergdoll investigation resolution, the gentleman from California used these words:

And now Mr. CAMPBELL has told me that the Rules Committee met this morning and had decided that the resolution was not to be brought up at this time and that there is little likelihood of action being taken at this session.

Now, what I am going to read is the basis of the few remarks I would like to make:

I was thunderstruck; I am sorely disappointed. It has come to me that the Democrats on the Rules Committee blocked action; that they are against an inquiry into the Bergdoll scandal.

Now, Mr. Speaker, if that is not the basis for a question of personal privilege, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to address the House for five minutes. Is there objection?

Mr. KAHN. Reserving the right to object, I may want five minutes.

Mr. POU. I shall not object.

The SPEAKER. The Chair hears no objection.

Mr. POU. Now, Mr. Speaker, I am going to say I will not believe our genial colleague from California [Mr. KAHN] wishes to do the Democratic members of the Committee on Rules an injustice, but his statement is absolutely incorrect. I might as well say frankly what the attitude of the minority was. We said to the majority that "The responsibility is on you to bring up this matter. If you want to bring it up, we shall not throw any obstacle in the way; but we think it is a bad precedent to set."

That may not have been said in so many words, but the statement represents the position we took. Bergdoll was accused of a crime, and we thought it would be a dangerous precedent for the House to investigate through a committee a crime which ought to be the subject of investigation by the Department of Justice. If the House is going to set in motion an investigation every time some Government official is charged with crime, we will have little time to attend to the business which is properly our own. I think it is a bad precedent to set. It is the business of the governmental authorities to go into this matter, and if anybody has been guilty of a crime prosecute him and convict him and put him in stripes if necessary.

Mr. JOHNSON of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. POU. I yield.

Mr. JOHNSON of South Dakota. Is it not true that there was absolutely no disagreement on that committee between the Republicans and Democrats as to the action that ought to be taken?

Mr. POU. Yes; I think that is true. I think we came to the conclusion unanimously that a mistake had been made in taking favorable action on the resolution some months ago. But to say that the Democratic members blocked action is both incorrect and absurd. I do not believe there is a single Republican on the Committee on Rules who indorses that statement.

With this explanation, Mr. Speaker, I have no more to say. I reserve the remainder of my time.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from California asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. KAHN. Mr. Speaker, I would be the last man who would want to charge the Democratic members of the Committee on Rules with having blocked any resolution. The interview in the Public Ledger of Philadelphia is probably what I said. But I was told that that condition occurred in yesterday's meeting of the committee. Of course, in having personally read the testimony that was given before the Inspector General of the Army, I felt satisfied that that resolution for an investigation by a special congressional committee ought to pass, and ought to pass immediately.

Mr. POU. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. KAHN. Yes.

Mr. POU. Will the gentleman please explain to the House how it would be possible for the Democratic members of the Committee on Rules to block favorable action upon that resolution when there is a 2 to 1 Republican majority on that committee?

Mr. KAHN. I do not know.

Mr. POU. There is about 2 to 1 majority against us. How could four members block it when there are eight members on one side and four on the other?

Mr. KAHN. Sometimes there is just a bare majority of the committee present at a meeting of the committee; the fact is that the resolution was blocked, and the gentleman from California was told that the blocking was done by the Democratic members.

Mr. GARRETT. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. GARRETT. The resolution was reported out at the last session of Congress.

Mr. KAHN. True.

Mr. GARRETT. There has not from that hour until now been a time when the chairman could not have called that resolution up if he desired to do so. [Applause on the Democratic side.] And no action has been taken by the committee as a whole or by the individual members of the committee which interfered.

Mr. KAHN. I regret exceedingly that any action was taken by the committee to prevent a thorough investigation of the Bergdoll matter, because, while the investigation made by the Inspector General of the Army shows on its face that certain things were done that were exceedingly irregular, nevertheless the real facts, in my opinion, have never been brought out in any trial or in any proceeding. I believe the facts ought to be brought out. I only wish that we had an opportunity to vote upon the rule, because I think it would pass practically without opposition on this floor. The real facts ought to be brought out so that the country might know whether a rich millionaire slacker can get away when some poor devil who also was a slacker is held "in durance vile" for a good number of years. [Applause on the Republican side.]

Mr. BEE. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from California yield to the gentleman from Texas?

Mr. KAHN. Yes; I yield.

Mr. BEE. In view of the statement made by the gentleman from California and the statement made by the gentleman from Tennessee [Mr. GARRETT], does the gentleman from California still contend that the Democratic members of the committee blocked this proceeding?

Mr. KAHN. It is evident that they did not, and I am glad to say so.

Mr. BLANTON. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. Mr. Speaker, the Times-Herald, printed in Dallas, Tex., issue of Sunday, February 6, 1921, contains the following under headlines of "Probe of escape of Bergdoll, noted and wealthy draft evader, promised." Under a Washington headline of February 5 it is stated as follows:

"Because a principle striking at the vitals of democratic government is involved," said Representative KAHN, of California, to the Public Ledger-Times-Herald correspondent Friday, "I am going to the rock bottom of the Bergdoll business." The chairman of the House Committee on Military Affairs, shaking his dome-like head in a characteristic gesture and clenching his fist to make it more emphatic, was describing how, this afternoon, he took the first steps to translate his intentions into deeds.

Mr. MONDELL. Mr. Speaker, the gentleman is not presenting a question of personal privilege.

Mr. BLANTON. The reporter asked the following question: "Will your inquiry end up like most congressional inquiries do—in thin air?" The Member from the Golden Gate rose up—

Mr. MONDELL. Mr. Speaker, the gentleman is not presenting a matter of personal privilege.

Mr. BLANTON. I wanted to show a foundation to make a question of personal privilege. When I get through, the gentleman from Wyoming will not contend that I am not presenting a question of personal privilege. As to the question whether or not it would end in thin air—

"Not if I can help it, and I think I can," was his forceful rejoinder. "Long before Bergdoll turned up safe and sound among his German kinsmen and friends, I introduced a resolution calling for a select committee to pry into the case. That was on May 25, 1920."

The SPEAKER. Does the gentleman, when he says that, mean himself, or the gentleman from California [Mr. KAHN]?

Mr. BLANTON. Mr. KAHN.

The SPEAKER. The gentleman is out of order.

Mr. BLANTON. I will get down to it.

Mr. KING. Mr. Speaker, I submit a point of order.

Mr. BLANTON. I will submit the matter to the Chair, if the Chair would prefer.

The SPEAKER. The Chair would prefer that the gentleman would state his point of order.

Mr. KING. Mr. Speaker, I rise to a point of order.

Mr. BLANTON. He says:

I called it up on June 5, and there was a highly significant discussion on the floor of the House over it, but the Chicago convention was assembling, and—

The SPEAKER. The gentleman is not stating a question of personal privilege.

Mr. BLANTON. Mr. Speaker, he charges me with blocking this resolution and inferentially with being in collusion with this dirty millionaire slacker in preventing this resolution from

passing, which is infamously untrue. [Applause.] If that does not constitute a question of personal privilege, I would like to know what does.

The SPEAKER. The gentleman should recite that.

Mr. BLANTON. I want to give enough of this article to show what I was driving at. Here is what he cites. He says: For reasons best known to himself—

Speaking of the gentleman from Texas—

for reasons best known to himself, his constituents in the seventeenth Texas district, I hear, were much interested in them during his recent campaign for reelection, Representative BLANTON blocked the passage of that resolution. So exactly eight months to the day have been lost that might have been employed in running the real felon or felons in the Bergdoll mystery to earth.

I want to submit this document to the Speaker. All through it he intimates that I was protecting this dirty, infamous millionaire slacker. [Laughter.]

The SPEAKER. The only statement the Chair finds is that Representative BLANTON blocked the passage of that resolution. Is that a fact?

Mr. BLANTON. It is not a fact.

Mr. MONDELL. Mr. Speaker, the gentleman did object to a request for unanimous consent.

Mr. BLANTON. I can say that I did object to unanimous consent, but it was not a fact that I blocked its passage under the rule. No man can block anything in the House of Representatives when there are 270 Members here. There were 270 Members on the floor at the time the gentleman alleged that I blocked it.

The SPEAKER. The Chair at first blush does not think—

Mr. BLANTON. The Chair has not read the part where he attempts to connect me with it directly.

Mr. WINGO. Will the Chair indulge me a moment?

The SPEAKER. The Chair will hear the gentleman.

Mr. WINGO. The Chair has read, and the gentleman from Texas has already read, the charge that he blocked the resolution. Now, I think with the facts known, and a charge of blocking an investigation, from the gentleman's viewpoint would involve moral turpitude, and it is a question whether or not the gentleman did block it. The Chair must take judicial notice of the fact that the proceedings revolve around a special rule that the gentleman from Kansas [Mr. CAMPBELL] had in his pocket. One man can not block a special rule in this House; and any charge that he did it in this instance involves moral turpitude and furnishes the gentleman with a question of personal privilege. The Chair knows I am the last man under the sun to give the gentleman any leeway in a discussion of personal privilege in this House; but I think the gentleman is certainly entitled to be heard on the charge.

Mr. MONDELL. The gentleman from Arkansas does not accurately state the case. He says the question revolves around a special rule. The matter that is referred to in this newspaper article is the objection made by the gentleman from Texas [Mr. BLANTON] some time ago to the consideration of the Bergdoll resolution when a request was made for its consideration by unanimous consent.

Mr. WINGO. I gather from the statement made by the gentleman from Tennessee [Mr. GARRETT] that it is a fact that the gentleman from Kansas [Mr. CAMPBELL], chairman of the Committee on Rules, has a rule reported by that committee.

Mr. MONDELL. Mr. Speaker, that is not the matter before the House.

Mr. WINGO. The gentleman from Texas could not prevent the consideration of that.

Mr. BLANTON. At the time he charges I blocked the consideration of this matter the gentleman from Kansas [Mr. CAMPBELL], chairman of the Rules Committee, had already presented a rule to this House and asked consideration of it, making in order as special privileged business of this House resolution 574, introduced by Mr. KAHN, and I want to cite the Chair to the record on it. I have it right here to show that Mr. CAMPBELL of Kansas himself—

Mr. MANN of Illinois. Mr. Speaker, I make the point of order that the matter does not present a question of personal privilege.

Mr. BLANTON. Will the gentleman from Illinois be fair enough to let me present this matter?

Mr. MANN of Illinois. I should like to make this statement—

Mr. WINGO. That is what the gentleman is discussing.

Mr. MANN of Illinois. I suppose during my membership in the House I have been accused more than a thousand times of blocking legislation, and in many cases it was true. [Laughter.] But does that give me the right, every time somebody makes that charge in a newspaper, to rise to a question of personal privilege and obtain the floor for an hour? It would lead to



the grossest abuse and waste of the time of the House. It is no crime for a man to block legislation.

Mr. WINGO. Will the gentleman yield for a question?

Mr. MANN of Illinois. There is no moral turpitude involved in blocking legislation. There is much legislation which I shall block as far as I can, as long as I am a Member of the House, and a Member has the right to object to the consideration of a resolution on a request for unanimous consent. It involves no moral turpitude, and does not give rise to a question of personal privilege.

Mr. BLANTON. Will the gentleman yield?

Mr. MANN of Illinois. Certainly.

Mr. BLANTON. Suppose there should be a proper resolution here before the House to really investigate, in a bona fide, genuine way, facts showing where a dirty, infamous millionaire slacker got away from officers by spending money lavishly, \$100,000 at a whack, and he goes over to Germany and adds insult after insult to this country, and a Member of Congress should block such a proper resolution before the House, if he could do it; is not that a question that involves some moral turpitude?

Mr. MANN of Illinois. Why, certainly not. Mr. Speaker, a majority of the House frequently blocks legislation by refusing to vote for it. Does that give to every Member of the House the right to rise to a question of personal privilege if some newspaper charges that a majority have blocked legislation? It is the question of privilege that I am discussing. It does not present a question of personal privilege for a newspaper to say that some Member of the House, or a majority of the House, or the House itself has blocked legislation. That is not a question of personal privilege.

Mr. BLANTON. Mr. Speaker, I would like to have the Speaker hear me one minute to read the Record. Here it is, on page 9195 of the permanent Record for June 4, 1920:

The SPEAKER. Two hundred and seventy Members have answered to their names. A quorum is present.

Mr. CAMPBELL of Kansas. Mr. Speaker, just before the recess I submitted a resolution to investigate the escape from a military prison of one Bergdoll. The circumstances surrounding the escape point to a very nasty scandal.

Mr. BLANTON. Mr. Speaker, I demand the regular order.

Mr. CAMPBELL of Kansas. There being objection, Mr. Speaker, to the consideration of the resolution, I withdraw the resolution.

He withdrew the special rule that made this resolution in order as privileged business in this House when there were 270 Members present, and I merely asked for the regular order. Under these circumstances the gentleman from California puts in a paper of my State the statement that I blocked it, when it is not true.

The way that it came up before was that they asked unanimous consent in the dying hours of Congress. I objected, because there was only a handful of men here on the floor to consider the resolution, and there were things in it that smelled to heaven, not connected with it, but politics, dirty politics, and that was what I was objecting to—to save the people's money.

Mr. MONDELL. Mr. Speaker, I claim the gentleman has not presented a question of personal privilege.

The SPEAKER. The Chair has read the article and the Chair finds nothing in it except the one statement that Representative BLANTON blocked the passage of that resolution. The Chair thinks that the argument made by the gentleman from Illinois [Mr. MANN] is convincing and in accordance with other precedents which have been cited to the Chair. The Chair thinks that the statement that the gentleman blocked legislation does not raise a question of personal privilege.

Mr. BLANTON. Mr. Speaker, I have a resolution right now, No. 603, I introduced December 7, 1920, that is pending before the Rules Committee, directing this Military Affairs Committee to investigate the Bergdoll matter.

#### ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 15271. An act granting the consent of Congress to the Majestic Collieries Co. to construct a bridge across the Tug Fork of Big Sandy River, at or near Cedar, in Mingo County, W. Va., to the Kentucky side, in Pike County, Ky.;

H. R. 15750. An act to authorize the construction of a bridge across the Little Calumet River, in Cook County, State of Illinois, at or near the village of Burnham, in said county;

H. R. 13606. An act granting the consent of Congress to the city of St. Paul, Minn., to construct a bridge across the Mississippi River;

H. R. 15011. An act authorizing the Secretary of the Interior to offer for sale remainder of the coal and asphalt deposits in segregated mineral land in the Choctaw and Chickasaw Nations, State of Oklahoma;

H. R. 15131. An act to authorize the construction of a bridge across the Hudson River between the city of Troy, in the county of Rensselaer, and the city of Cohoes, in the county of Albany, State of New York;

H. R. 12157. An act to amend act of Congress approved June 30, 1913; and

H. R. 14311. An act to authorize the improvement of Red Lake and Red Lake River, in the State of Minnesota, for navigation, drainage, and flood-control purposes.

#### LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. WOOD of Indiana. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill H. R. 15543, the legislative, executive, and judicial appropriation bill, disagree to the Senate amendments, and agree to the conference asked for.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table the bill H. R. 15543, disagree to the Senate amendments, and agree to the conference asked for. Is there objection?

Mr. TINCHER. Reserving the right to object, I want to ask the chairman if this request is granted will he come back to the House with Senate amendment 65, raising the amount of \$7,100,000 for enforcement of the Volstead law to \$7,500,000?

Mr. WOOD of Indiana. I have no objection.

Mr. TINCHER. That is a Senate amendment, and I know the attitude of the gentleman himself on that question. If the chairman will state that he will bring that matter on the floor of the House for a vote on this amendment, I shall not object.

Mr. WOOD of Indiana. I have stated that it will be brought onto the floor, as far as I am concerned. I expect all of those questions will be brought onto the floor and the House will have an opportunity to vote upon them.

Mr. TINCHER. I want a more definite statement than that.

Mr. WOOD of Indiana. I will state that so far as I am concerned the House may have a separate vote on that amendment.

Mr. TINCHER. This is an amendment that some of us want to vote on. We want to recede and accept the Senate amendment.

Mr. WOOD of Indiana. I have stated that as far as I am concerned the gentleman may have the opportunity.

Mr. BLANTON. Reserving the right to object, I want to ask the chairman whether or not he will return to the House all matters of legislation, in the way that was done on the District bill?

Mr. WOOD of Indiana. I will try to conform exactly with the new rule. I am not going to take any position that will deprive the House of its rights under that rule.

Mr. SISSON. Reserving the right to object, there is one item that goes in this bill in the Senate making provision for the Federal Farm Loan Board to function. That amendment being put on in the Senate—

Mr. WOOD of Indiana. That will have to come back.

Mr. SISSON. Unless the Senate conferees should yield. Now, I would like to have an opportunity to have the House vote on that amendment, because I believe it is the only opportunity that we will have to get the farm loan law to function again.

Mr. WOOD of Indiana. I will state that the gentleman from Mississippi will be one of the conferees, and with his ability and zeal he can probably bring it back here.

Mr. SISSON. I hope so, and I hope the gentleman will help me. With that understanding I have no objection.

Mr. BARKLEY. Mr. Speaker, a parliamentary inquiry. Is it now in order to move that the House agree to the Senate amendment on page 65 with reference to the amount appropriated for the enforcement of the prohibitory law?

The SPEAKER. It would not; this is simply asking unanimous consent to send it to conference.

Mr. BARKLEY. Would it be in order to move to instruct the House conferees to agree to the amendment on that subject?

The SPEAKER. The Chair thinks the practice is not to instruct the conferees on the first conference, but the Chair does not see why it would not be in order.

Mr. BARKLEY. If we are to have the matter brought back, I see no reason why we could not vote on it now. I desire to take advantage of any parliamentary opportunity I may have to make a motion either that the House agree to the amendment or that the conferees be instructed to agree to it.

Mr. NOLAN. Mr. Speaker, the Committee on Patents has the right of way, and this is all by unanimous consent. If we can not close this up in a short time I am going to ask for the regular order.

Mr. BANKHEAD. I think we ought to have the regular order.

Mr. BLANTON. A point of order, Mr. Speaker; the gentleman from California [Mr. NOLAN] having yielded to the gentleman from Indiana to make a unanimous-consent request, and he having called up the bill, is not that the regular order and the inquiry or motion made by the gentleman from Kentucky?

Mr. NOLAN. I do not like to object, but unless this is terminated immediately I am going to object.

The SPEAKER. Is there objection?

Mr. BARKLEY. When a bill is called up and unanimous consent is asked to send the bill to conference and appoint the conferees, Members certainly have the right to have the matter presented to the House, and if it is in order, reserving my right to object to move that the House instruct the conferees, I want to do so.

The SPEAKER. It would not be in order now until the House has sent it to conference and the conferees are appointed.

Mr. BARKLEY. This is a preferential matter, the agreement of the House to a Senate amendment, which tends to get the two Houses together earlier.

Mr. WALSH. Mr. Speaker, I object.

The SPEAKER. Objection is made.

Mr. NOLAN. Mr. Speaker, I yield 15 minutes to the gentleman from Connecticut [Mr. MERRITT].

#### PATENT OFFICE.

Mr. MERRITT. Mr. Speaker, when the House adjourned yesterday afternoon the chairman of the Committee on Patents [Mr. NOLAN] was presenting a conference report on the Nolan bill (H. R. 11984). So far as the Nolan bill proper is concerned, which passed this House, it is an admirable bill in every respect, and the chairman, the gentleman from California, and all his committee are entitled to a great deal of credit for having reported and passed that bill through the House. Unfortunately when the bill reached the Senate there was tacked onto that bill an entirely separate and unrelated bill. It was a bill which had already been passed in the Senate in a separate form. It had to do with a new bureau or new power which is to be conferred on the Federal Trade Commission to enable them to accept assignment of patents on inventions made by United States employees outside of the Patent Office. Now, let us see what the condition is at present. At the present time any employees of the Government outside of the Patent Office can apply for a patent in his own name, and when he gets it, aside from certain departmental regulations to which I shall refer, he has the same right and ownership in the patent which any other citizen of the United States has, and I think you will agree with me that, except for certain limitations, that is what he ought to have. I do not think that when a man goes into the Government employ he should assign all his rights in an invention which is the production of his brain and his work any more than a man who goes into the Government employ and who writes a book should assign the copyright of that book to the United States. I think it is to the advantage of the service and of the country that inventions should be encouraged both in the Government service and outside it. I think you will all agree that the patent system of the United States has been one of the most beneficent systems in the world. It has produced good not principally to the inventors, but to all the citizens of the United States. As a matter of fact, without the inventions which have been made in this country and abroad civilization and society as at present constituted could not be conducted. Take, for example, the great inventions in electricity in the last 25 or 30 years. Instances will readily occur to you where, without those inventions, many of the modern processes could not go on, and when you consider the great inventions in agricultural machinery you know that the people of this country and the world could not be fed without those inventions, and therefore I think that any interference with the present patent system in this country ought to be made with great caution.

Mr. GARD. Will the gentleman permit an inquiry?

Mr. MERRITT. I will.

Mr. GARD. Section 11 applies to all employees of the Federal Government except employees of the Patent Office, does it not?

Mr. MERRITT. Yes.

Mr. GARD. That virtually puts the matter of the acceptance of assignments of patents for inventions and of patent rights in the hands of this Federal Trade Commission under regulations to be prescribed by the President outside of any law which we make, does it not?

Mr. MERRITT. It does.

Mr. GARD. Does the gentleman think that is wise?

Mr. MERRITT. I do not; no. In response to the question of the gentleman from Ohio, which I am glad he asked, I will

point out that the chairman [Mr. NOLAN], the gentleman from California, yesterday spoke of the interest which the people of this country should have in inventions made by its own employees, but you will note that under this legislation nobody has to assign his patents to the Federal Trade Commission any more than he has to do so now. That means, I think, when this legislation is once enacted it must be, if it is to be made effective, followed by legislation for compulsory assignment. It will be found, also, that when the Federal Trade Commission begins to deal with patents it will be obliged to form a new bureau, because the matter of patents is a highly technical question. It is not every clerk in every department who can intelligently handle patents and licenses thereunder. It happens already that in certain departments where they desire to get information about patents they simply go to the Patent Office and overload the already overloaded force of the Patent Office by asking them to make searches and to give opinions—

Mr. MADDEN. Will the gentleman yield?

Mr. MERRITT. I will.

Mr. MADDEN. Under the provisions of this bill if it becomes a law, would it be within the power of the Federal Trade Commission to require any person dealing in a commodity made under a patent assigned to it to take out a license in order to conduct business?

Mr. MERRITT. It would.

Mr. MADDEN. Then I think it ought not to pass. We ought not to go into a system of licenses that gives that power.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. MERRITT. I will.

Mr. CHINDBLOM. As a matter of fact, is there any reason why this special privilege to assign patents to the Federal Trade Commission should be confined to employees of the Federal Government and not given to the other citizens of the United States?

Mr. MERRITT. I think not, logically.

Mr. CHINDBLOM. Not logically. As a matter of fact, the gentleman from California yesterday argued that the Government might and should have an opportunity to avail itself of patents which might be used for national security and defense. Would not that apply with greater force to people outside the Federal employ than to those in the Federal employ, inasmuch as the great bulk of the inventions of this country come from people outside of that employ?

Mr. MERRITT. I do not want to take time to argue that question too much, but I will answer the particular question. The argument of the gentleman from California was based on the fact that those men got their information from the fact of their governmental employment; their time is paid for by the Government; and, therefore, as is the case in many manufacturing concerns, any invention made in the Government's time and Government's money should belong to the Government. That is the idea.

Mr. CHINDBLOM. A practical question: I am very much in sympathy with the first portion of this bill, which increases the salaries and personnel of the Patent Office, but I am not in favor of this Federal Trade Commission provision with reference to assignment of patents. If we defeat this bill, is there hope of its coming back during this session so that it may be available and effective?

Mr. MERRITT. I can not answer that question.

Mr. CHINDBLOM. That is what I wanted to know.

Mr. MERRITT. My belief is, in any event, whatever the answer to the gentleman's question may be, that we can not afford to set up in the Federal Trade Commission a patent bureau. Everybody knows the tendency of the Federal Trade Commission has been uniformly to extend its jurisdiction, to add to its functions, just as every Government commission always does.

Mr. NOLAN. Will the gentleman yield?

Mr. MERRITT. I will.

Mr. NOLAN. The gentleman must know, if he has followed the hearings on this measure, that the Federal Trade Commission has had nothing whatever to do with the drafting of this bill.

Mr. MERRITT. I do know that.

Mr. NOLAN. And has had nothing to do with asking for any further power.

Mr. MERRITT. I will admit that. What the gentleman from California says is true, but what I say is, if this bill is passed it will put those powers in the hands of the Federal Trade Commission, and inevitably, when they get those powers, like every other commission, they will want to exercise them, and they will think they know more about how things should be done than any manufacturer or inventor. They will go after increased powers; they will get to the point to which the gentleman from Illinois referred. In the original Senate bill they were allow: I



to take assignments from outside inventors, and they will then offer inducements to them to turn their inventions over to the Government, and the first thing you know there will be a tremendous manufacturing bureau and patenting bureau in the Government, competing with private manufacturers.

Now, then, everybody knows that when you grant a license under a patent, especially when the thing is a new device, you have got to grant an exclusive license or else the manufacturer will not take it at all, because he can not afford to spend his money unless, when he gets through, he has the exclusive right to his invention. For instance, take the turbine engine, which represents a tremendous increase in power and economy in coal, the company which first produced it spent \$3,000,000 in experimentation before they produced a practical turbine. We have had demonstrated in this House that the production of helium gas in a commercial way has not been solved. That will involve great expense.

There exists to-day in some of the departments little patent bureaus of their own; in the Navy, for instance. This bureau advises and assists employees as to their inventions and gets patents for them, with the proviso that when a man in the Navy invents something that is of advantage to the service the United States has a right to use the invention without charge. It needs no creation of another commission or bureau in the Federal Trade Commission.

Now, if you pass this bill, see where it will lead you. The gentleman spoke yesterday of some chemical invention in regard to the production of nitrate, which should be assigned to this Federal Trade Commission. How are they going to grant licenses? If they are going to grant exclusive licenses, will they not be at once accused, justly or unjustly, of playing favorites and politics?

It was testified in these hearings that any legislation of this sort would be sure to produce allegations of favoritism and scandals, which would, to say the least, be unpleasant. I believe if these men in the Government service make inventions, subject to what is called a shopright for the Government to use them without pay, they ought to have whatever benefit comes to them, because it is a general law in patents that no man can possibly gain any advantages from patent rights where the public will not gain a hundredfold. Adverting again to the harvesting patents, of course manufacturers under those patents made fortunes. Take the Bessemer process, whose inventor made a fortune, but where would the world have been without these inventions? Where the owners of those patents made thousands the public and the world made millions.

Gentlemen, I shall not take your time to go into more detail. I think you get the drift of my argument, which is this, that the United States patent system, the rights under the United States patents, are well understood, and they have been beneficent, they have been the foundation of successful manufacturing in this country, and we should not under a report from any conference committee add onto the excellent bill which has been produced by the gentleman from California [Mr. NOLAN] an entirely new and unrelated piece of legislation, which, in my judgment, will do more to injure and revolutionize the patent system of this country than anything else could do.

Mr. SMITH of Michigan. Will the gentleman yield for a question?

Mr. MERRITT. Yes.

Mr. SMITH of Michigan. About how frequently do the Government employees take out patents? The gentleman spoke of the Bessemer steel patent. Was that patented by a Government employee?

Mr. MERRITT. Oh, no.

Mr. SMITH of Michigan. Is it a matter of frequent occurrence?

Mr. MERRITT. It is a matter of frequent occurrence. The Navy Department has a patent system, under which they encourage all employees of the Navy and of the navy yards to bring to this committee inventions, and then they advise them whether they are patentable, and, if they think so, take out patents in their behalf subject to shopright by the Government. When they are through, the individual has the same right as any other citizen and gets the benefit of his own invention, as he should do. Under this system, if it was assigned to the Federal Trade Commission, the licenses would be put into a pool and the license fees distributed to Tom, Dick, and Harry, who perhaps had made no meritorious invention at all.

Mr. FESS. Will the gentleman yield?

Mr. MERRITT. I will.

Mr. FESS. Possibly the gentleman can throw some light upon a recent discovery. I have not been able to understand what law the gentleman was working under out at the Bureau of Mines who made the discovery by which a greater production

of gasoline could be made out of crude oil. I refer to Dr. Rittman. He got no benefit whatever from his discovery, did he? Does not that all revert to the Government?

Mr. MERRITT. I do not know what happened in that particular case. Under the law he could gain—

The SPEAKER. The time of the gentleman from Connecticut has expired.

Mr. WINSLOW. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut may go on.

The SPEAKER. The gentleman from California [Mr. NOLAN] has control of the time.

Mr. NOLAN. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

The SPEAKER. The gentleman from Texas is recognized for five minutes.

Mr. BLANTON. Mr. Speaker, there are 1,948 employees provided for in this bill in the Patent Office. That is quite a substantial increase in the number of employees in that bureau. The bill as it passed the House seeks to pay to the Commissioner of Patents \$6,000; to the first assistant, \$5,500; to another assistant, \$4,500; to 5 examiners, \$5,000 each; to 6 examiners, \$4,000 each; to 3 examiners, \$3,900 each; to 47 more examiners, \$3,900 each; to 40 assistant examiners, \$3,300 each; to 30 more assistant examiners, \$3,100 each; to 30 more assistant examiners, \$2,900 each; to 40 more assistant examiners, \$2,700 each. And so on down the line for the 1,048 proposed employees in this Patent Office.

When this bill first came up the following colloquy occurred between the chairman and myself in answer to my inquiry:

Mr. NOLAN. The Assistant Commissioner of Patents at the present time receives \$3,500. By the adoption of the amendment his salary is now increased \$1,500 a year. The five examiners in chief receive \$3,500, and the increase for them in this bill makes an increase of \$1,500 a year.

Mr. BLANTON. Then beginning with the chief clerk under the next section on down the raises have been relatively how much?

Mr. NOLAN. The chief clerk at the present time gets \$3,000 and he is raised \$1,000 to \$4,000. The law examiners get \$2,700 and they are raised to \$4,000 each, or \$1,250. The classification examiner receives at the present time \$3,600 and he is raised to \$4,200. The examiners in chief, \$3,500, and are raised to \$5,000. Those are the five examiners in chief provided in section 1.

Mr. BLANTON. So they approximate from \$1,000 to \$1,500 raise?

Mr. NOLAN. Yes. In some cases \$600.

Mr. Speaker, we know that usually it is the Senate at the other end of the Capitol that puts raises in bills, and puts increased appropriations in our bills that we sent over there. It is usually the House of Representatives, which comes directly from the people every two years, that has to constitute itself a brake on the Senate in regard to increased appropriations.

But these increases in this House bill so shocked even the Senate at the other end of the Capitol that they saw fit for the first time almost in the history of legislation since I have been here to reduce the House appropriations.

This is how the Senate reduced the raises of from \$600 to \$1,500 granted by the House: They reduced the Commissioner of Patents from \$6,000 to \$5,000. They reduced the first assistant commissioner from \$5,500 to \$4,500; the second assistant from \$5,000 to \$4,000; the 5 examiners from \$5,000 to \$4,000 each; and the 36 messengers from \$1,080 to \$840, each drawing the \$240 bonus additional. And so down the line, for the first 48 Senate amendments constituted a reduction in every one of them. And yet after the Senate reduced these amounts it still left a raise in salary of approximately about \$500 a year in each one of them. Yet our distinguished chairman in charge of this bill has so faithfully worked for its interests that he has made the Senate recede from every one of these 48 amendments that is put on the bill, and has put back every salary into the bill just as he had it written, ranging in increase from \$600 to \$1,500 to each salary.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. BLANTON. Inasmuch as I was complimenting the gentleman's committee, and I seem to be the only one opposing the bill, can not the distinguished gentleman give me some more time?

Mr. NOLAN. I am tied up with time now. I yield five minutes to the gentleman from Louisiana [Mr. O'CONNOR].

The SPEAKER. The gentleman from Louisiana is recognized for five minutes.

Mr. O'CONNOR. Mr. Speaker, I regret very much that the distinguished gentleman from Texas [Mr. BLANTON] is not granted an opportunity to show that through the efforts of the gentleman from California [Mr. NOLAN] justice has finally triumphed, and that injustice has been defeated. I wish to thank the gentleman from California for the courtesy shown me for this opportunity to correct what would be apparently an error in my legislative career.

When this bill was returned by the Senate with certain amendments the gentleman from Texas [Mr. BLACK] moved to adopt the Senate amendments. Under a misapprehension I voted for the motion, the purpose of which was to reduce the wage schedule. That, gentlemen, would be totally at variance with the song that I have sung all my life. Whether I be or have been right or wrong in my attitude toward human existence, I do not desire at this time in my career to strike a false note. Always, from my cradle to this time—and I hope I will continue that attitude until I go to my last account—I have held that it should be the policy of this country to give to the wage earner that wage which would enable him to rear his boy and his girl as an American boy and an American girl and fit them for the discharge of the highest duties that could be assigned to them by this Republic. I do not believe that you can have a decent upstanding American citizenship with poverty and all of its depressing effects, making for ignorance and illiteracy, hovering over the childhood days of millions of American children. I believe that it is necessary in order to attain the splendid destiny of this country that boys and girls should be reared in an environment that will make for decency, that will make for an educated, enlightened, and cultured working class, a laboring class that can honestly and sincerely praise and bless their native land for its blessings, and who will be ornaments to the country. I have always felt that the wage earner should be given that share of the wealth produced in his generation that will bring about the fulfillment of the purpose that I have briefly outlined.

I am glad to make that statement in connection with that vote, wherein I misapprehended the parliamentary situation. I have a high regard for the judgment and wisdom of my distinguished friend from Texas [Mr. BLACK] upon a great many matters that are presently to come before this House, as well as upon questions which have been disposed of. I esteem him as a profound student of a great many of the governmental necessities that require, press for, demand solution. Personally I regard him from an extremely friendly and affectionate standpoint. True, indeed, is it that no man possesses the infallible touchstone of truth. Men equally sincere and honest will come to opposite conclusions from a given state of facts, and upon public questions and policy. I concede to him and all others that differ from and with me what I wish granted unto myself—a sincerity of purpose and desire to promote the general welfare and achieve the common good. I regret that upon this wage schedule the viewpoint of Mr. BLACK is not mine. I like him, but can not agree with him on a matter that I deem of concern to wage earners throughout the land, for an injury to one is the concern of all. [Applause.]

Mr. NOLAN. I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker and gentlemen of the House, I am particularly pleased with the increase of salaries carried in this bill. I also compliment the committee for the increase of fees which more than provides for the salary addition. I realize that a very large proportion of the wealth of this country is obtained from patents and copyrights. We must encourage men to invent things, to produce new systems, new processes, and new matters in order to have progress and prosperity in the land. The salaries in the Patent Office have always been too low. They have only been increased 10 per cent since 1848. It requires technical men for those positions, men highly qualified to carry out the duties of their offices, and I think it is entirely satisfactory to the country that we should provide these additional payments to the men in the employ of the Patent Office. It is, however, section 9, on page 12, formerly section 11, to which I particularly address myself. It provides one of the best things for the employees of the Government that has been provided in any legislation we have passed in recent years, and justly so.

It is a well-known fact that a man who procures a patent usually loses its beneficial results because he has not the money to carry it into operation, because he has not the funds by which he can produce the goods and put them on the market. Under this provision the Federal Trade Commission of the Government is authorized to take over from Government employees, upon terms to be prescribed by the President, patents which they obtained from the Patent Office, and then to license the manufacture in various sections of the country, the proceeds from those licenses to be distributed among the inventors according to their rights. That enables any employee of the Government who otherwise probably would not have the money to put the patent on the market, to have it manufactured by licensed people. It gives that employee some protection and gives him a part of the revenue produced from his invention.

I feel that by this method we can also procure things more cheaply. We know that many articles which have been patented cost far in excess of what they ought to cost, and that the public are paying millions upon millions of dollars in large profits to people who have procured patents, because the Government has no way to control the prices charged. Under this system, however, when a patent is procured by a Government employee and he turns it over to the Government upon a satisfactory agreement, the Government in licensing out that patent would have the right to say to the manufacturer, "You shall have a certain profit, say for instance 25 or 30 or 50 per cent, but you shall not obtain this license for the manufacture of this article if you propose to charge 100 per cent profit or more." So not only will the Government employee be protected in his rights, not only will he obtain remuneration for his invention, but the public likewise will receive great benefit by having these articles manufactured and sold at a fair and reasonable profit. I think it is a splendid bill, because it provides adequate compensation to Government employees in the Patent Office. It is a splendid bill, because it provides the means by which any Government employee may put a patent upon the market and receive some remuneration therefor. I sincerely hope the amendments will be concurred in and the bill will be passed by the House. [Applause.]

Mr. NOLAN. Mr. Speaker, I yield 10 minutes to the gentleman from Tennessee [Mr. DAVIS].

Mr. DAVIS of Tennessee. Mr. Speaker and gentlemen, this legislation has already been fully considered, not only in committee but in the House. Beginning in July, 1919, the House Committee on Patents held extensive hearings and have had hearings since that time upon the matters involved in this bill; there are several hundred pages of printed hearings upon the questions involved. After these hearings the House committee unanimously reported the original House bill, and then in order to get speedy action on it a hearing was held before the Rules Committee in which parties from all over the country who were interested in the bill appeared and presented their views, and after that hearing the Rules Committee unanimously reported out a rule for its immediate consideration. It came up in the House on March 5, 1920, and was passed by a practically unanimous vote. At that time the gentleman from Texas [Mr. BLANTON] offered a motion to recommit, with instructions to reduce certain salaries carried in the House bill, and that motion to recommit was defeated by a vote of 272 to 6.

Mr. BLANTON. Will the gentleman yield?

Mr. DAVIS of Tennessee. I have not the time.

Mr. BLANTON. Just for a question?

Mr. DAVIS of Tennessee. No; I have not the time.

Mr. BLANTON. The gentleman has mentioned the gentleman from Texas.

Mr. DAVIS of Tennessee. I know, and I speak from the RECORD. There are too many features of this bill about which I wish to speak. Then the bill went to the Senate and passed there with certain amendments. After the conferees were appointed, they did something which I understand is very unusual. They again opened up the matter and held hearings for four days, permitting those who desired to advocate or oppose the bill, or any feature of it, to appear and be heard. After that the conferees agreed upon and made this conference report to which all the House conferees agreed and which they signed, and the Senate conferees with one exception agreed to and signed the conference report. The Senate conferee who did not sign the report agreed to all the provisions of the bill as now reported except section 9, which was a Senate amendment. Now, as it comes back to us under this conference report, it carries the original House bill practically in its entirety and without any material amendment except with the addition of section 9, which is designated as section 11 in the conference report, and which deals with the translation into use of patents developed in Government laboratories.

Just for a moment on the question of salaries. The Patent Office occupies a very peculiar position. It is perhaps the only department of the Government which is run at a profit instead of a loss. The receipts of the Patent Office have always amounted to more than the expenses of that department. During the entire period of its existence there has been an accumulation of over \$8,000,000 in receipts over expenditures. That is on paper, of course, because the receipts of the office were covered into the Public Treasury. The employees of the Patent Office have had their salaries increased only once since 1848, and that was to the extent of 10 per cent. In other words, during a period of 72 years there has been an increase of only 10 per cent in the salaries of the employees of the Patent Office. The result is that they are paid less, as I could show by com-



parison if I had the time, than that of the average Government employee. Take the clerical employees of certain classes which can be compared, and the average pay of all the employees of this character under existing law is \$1,304.70. The average amount of similar employees in the Patent Office is only \$1,091.02. Even if this bill is passed, they will still not receive the average pay of other employees of the same class, because they will receive only \$1,277.14, a considerable amount less than the average.

Mr. McDUFFIE. May I suggest that the Patent Office has lost a great many employees on account of the low salaries paid in that office?

Mr. DAVIS of Tennessee. That is absolutely true. From May 1, 1919, to October 1, 1920, 17 months, there were 122 resignations of these patent examiners. They resigned, as far as we are able to learn, to accept employment at higher salaries in private life. We have letters from 70 out of the 122 in which they say that that is true, and that the salaries that they are now receiving are a considerable advance over the pay they were receiving in the Patent Office.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. DAVIS of Tennessee. Yes.

Mr. ANDREWS of Nebraska. Does this bill provide for increased fees?

Mr. DAVIS of Tennessee. Yes.

Mr. ANDREWS of Nebraska. How far will the increased fees go toward paying the increased salaries?

Mr. DAVIS of Tennessee. It is estimated by the Patent Office that the increased fees will more than overcome the increased personnel and salaries carried in this bill. If this bill had become a law at the time it originally passed the House, the applications received since that time would have brought in enough additional fees to have overbalanced the increase in salaries during that period of time.

Mr. ANDREWS of Nebraska. It seems to me that that is a very important point in favor of the bill.

Mr. DAVIS of Tennessee. During 1920 there was a 36 per cent increase in the business of this office over that of the previous year. There was a 24 per cent increase in receipts even under the existing schedule of fees. It would have been larger than that but for the fact that there is quite an accumulation of undisposed of business because they have not the requisite force to dispatch the business.

This bill only provides for an increase of 48 employees, and we think the increases in personnel and salaries are very moderate and that it will not make possible a proper, efficient functioning of the Patent Office, but that it is also a matter of economy for the Government, because the Patent Office is more than self-sustaining, and the more business they do the more receipts are collected. [Applause.]

Mr. NOLAN. Mr. Speaker, I yield two minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, I certainly would not oppose the increase in salaries, and I have no objection to the increase of force in the Patent Office if they need it. I am willing to trust the committee that says they do need it. But I have had called to my attention the last part of section 11, which is a Senate amendment, which I am afraid is injurious, and I hope the House will look at it very carefully before it is finally enacted. The language is this:

and the Federal Trade Commission is hereby authorized and empowered to license and collect fees and royalties for licensing said inventions, patents, and patent rights in such amounts and in such manner as the President shall direct, and shall deposit the same with the Treasurer of the United States; and of the total amount of such fees and royalties so deposited a certain per cent, to be determined by the President, shall be reserved, set aside, and appropriated as a special fund to be disbursed as directed by the President to remunerate inventors for such of their inventions, patents, and patent rights contemplated by this section as may prove meritorious and of public benefit.

That provision is without doubt wrong for two distinct reasons: First, it puts the Government employees in the position of working for their own interests instead of working for the interests of the General Government. Second, it creates a fund to which the employees of the Government are looking forward to participate in, and they are apt to neglect their own work. It is wrong in principle, wrong in policy, and wrong in fact. There is a further objection to it because it might enable the employees of the Government to strip the inventor or the scientist of that to which he is justly entitled. He should have at all times a nonprejudiced clerk to pass on his rights. If they are expecting to profit from some general fund, they would not have it.

Section 11 ought not to be a part of the salary bill, and I do not think it ought to be enacted at all. It is unfortunate that

such a provision should have crept in. It ought to be sent back to conference and stricken out. Then the salary bill could pass on its own merits. This practice of seeking to hang onto some popular bill a scheme of this sort is all wrong. It should not be tolerated by the House.

Mr. NOLAN. Mr. Speaker, I stated yesterday that the salary and personnel section of the bill—in fact, the entire bill, with the exception of section 11, is practically the same language in which it passed the House. The Senate conferees gave way practically on all their amendments, with the exception of section 9 of the Senate bill. They absolutely refused to sign the conference report unless they could protect themselves to the extent of saving that section.

Now, there might be something in the fears raised by the gentleman from Connecticut [Mr. MERRITT] and the gentleman from Oklahoma [Mr. FERRIS] regarding section 9, but if you will look it over you will find that it is a permissive statute and permits the employees who discover processes or conceive inventions to have same patented. They have the right under this bill to go to the Federal Trade Commission and have their invention patented and participate in the benefits of it, instead of letting it go as now and the Government exercising the right of using the invention for Government use alone, which means in the majority of cases that the invention goes on the shelf and the inventor and the public receive no benefit at all, because no business man will spend money to develop these inventions unless guaranteed protection from piracy, and under the present lax system there is no opportunity or agency to give this protection.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. NOLAN. Yes.

Mr. CRAMTON. The language just cited by the gentleman from Oklahoma [Mr. FERRIS], as the gentleman from California is aware, provides that the amount of these fees shall be fixed by the President, that the percentage that is to be used as rewards shall be fixed by the President, and the appropriation as reward shall be made by the President. The fund may reach many millions of dollars. Does not the gentleman think it is highly undesirable that a fund of that kind should be placed in the exclusive power of the Executive—in other words, that Congress should abdicate its appropriating power and give it to the Executive?

Mr. NOLAN. I would say to the gentleman that the original bill carried a provision which vested that power in the Federal Trade Commission. There was objection to that, and we felt that there was one power in this country, the Chief Executive, that we could trust, and we vested that power in the President of the United States. That is the reason that language is there.

Mr. CRAMTON. But never before have we seen fit to give untold millions to his exclusive control.

Mr. NOLAN. Mr. Speaker, it may be true that this section ought to be considered as a separate bill, but we were not the sole judges of that. The House committee reported it as a separate bill, but if you want the Patent Office to remain an efficient institution and to function properly and give the service that the framers of the Constitution deemed should be given to inventors in this country you must pass the salary and personnel sections of the bill. The Senate conferees absolutely refused to recede on this particular section, and I can not for the life of me see the danger in it that some of these gentlemen claim they see.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. NOLAN. Yes.

Mr. FESS. The gentleman knows that I supported this bill when it was before the House and also in the Rules Committee. I am very much in favor of the bill as it originally passed the House. Will the parliamentary situation allow us in any way to vote against this particular section without jeopardizing the whole bill?

Mr. NOLAN. I think the bill would absolutely die. We would have no legislation whatever for the relief of the Patent Office if this is sent back to conference.

Mr. FESS. I very much regret that.

Mr. NOLAN. I do myself; but that is the situation.

Mr. CRAMTON. The gentleman, of course, is aware that if the conference report should be defeated to-day the Senate will understand why; and the Senate should have enough interest in the salary provisions in the bill to yield on a matter that is so highly objectionable to the House.

Mr. NOLAN. We have but few legislative days left. The gentleman knows the situation in the House and he knows the situation in the Senate. I have waited since a week ago last Friday to allow the legislative program of the House to take

its course to bring this bill in, and I got the measure up last night only because I absolutely insisted on no further delay. There is absolutely no chance of getting relief for the Patent Office unless we dispose of this conference report favorably today. I can not assure this House and I can not assure myself that the Senate will pass it, but we at least can do our part toward curing the situation in the Patent Office.

Mr. GREENE of Vermont. Mr. Speaker, will the gentleman yield?

Mr. NOLAN. Yes.

Mr. GREENE of Vermont. Is it not the practice of many years in conference reports that the House which puts on an amendment, finding that the amendment is objected to by the other chamber, is expected to withdraw the amendment for the purpose of coming to an agreement in conference?

Mr. NOLAN. I agree with the gentleman that that is the practice, but all I can do is to recite our experience in conference. We could not get a conference report at all unless we inserted this amendment. The Senate gave way on every other amendment.

Mr. GREENE of Vermont. That does not alter the fact that the House has fundamental views about the matter.

Mr. NOLAN. That is true.

Mr. GREENE of Vermont. And it does not alter the fact that we are asked to swallow a lot of paternalistic poison.

Mr. NOLAN. I do not agree with the gentleman that it is paternalistic poison. I would call the attention of the House to the fact that the Patent Office began to function in 1840. It was created in 1837. The applications in 1840 amounted to 765, and they have reached the enormous total for the calendar year of 1920 of 86,815. With the increase in fees provided for in this bill, on the basis of the business that we did in the calendar year 1920 that alone, raising the final fee from \$35 to \$40, would bring into the Treasury \$409,255. The increase in the price of copies of patents from 5 cents to 10 cents would bring in a very large sum, more than offsetting any increase in compensation, also as far as the increase in the personnel of the office is concerned. With two or three exceptions, in all of the years that the Patent Office has been in existence it has always produced a surplus. The surplus for the calendar year just passed was \$107,850.75 under the old fee system and with the present personnel.

Mr. Speaker, I move the previous question on the conference report.

Mr. MERRITT. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MERRITT. As I have intimated, I am in favor of the Nolan bill proper, but I am opposed to section 9 of the Senate bill, which is section 11 in the conference report. At the proper time I should like to move to disagree to the conference report and recommit it to the conferees with instructions that they do not recon in section 11. Can I do that at this stage of the bill?

The SPEAKER. A motion to recommit a conference report is a new motion, but it has been allowed. Of course, the gentleman would obtain his object if the conference report were voted down.

Mr. MERRITT. If the conference report were voted down, I can move to recommit?

The SPEAKER. If the conference report is voted down, the gentleman would accomplish the same object. Then the amendment which the gentleman speaks of would come before the House for disposal, and it could be disagreed to. The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. MADDEN) there were—ayes 41, noes 29.

So the previous question was ordered.

Mr. NOLAN. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The question is on agreeing to the conference report.

Mr. MADDEN. Mr. Speaker, I suggest the absence of a quorum—no; I will wait until the vote.

Mr. MERRITT. Mr. Speaker, did I understand the Speaker to rule that I can not now move to recommit?

The SPEAKER. No; the Chair thinks the gentleman has a right now to move to recommit.

Mr. BLANTON. Mr. Speaker, I make the point of order that after the adoption of the previous question it is too late to move to recommit.

The SPEAKER. That is the very time to move to recommit.

Mr. BLANTON. Oh, yes.

Mr. MERRITT. Mr. Speaker, I move to recommit the report to the conferees with instructions not to agree to section 9 of the Senate bill, which is section 11 of the conference report.

The SPEAKER. The gentleman from Connecticut makes the motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. MERRITT moves to recommit the conference report to the conferees with instructions not to agree to section 9 of the Senate bill, which is section 11 of the conference report.

The SPEAKER. The question is on the motion.

Mr. BLANTON. Mr. Speaker, I make the point of order that after the conference managers have brought in a conference report that it is not proper to recommit the bill to them, but it should go to the committee.

The SPEAKER. The Chair overrules the point of order. The conferees have control of the bill now.

Mr. BLANTON. I thought when they presented the conference report—

The SPEAKER. But they are not discharged until the conference report is agreed to, or something else happens; the conferees still have control of the bill. The question is on the motion of the gentleman from Connecticut to recommit the bill with instruction to disagree to section 9.

The question was taken, and the Speaker announced the ayes seemed to have it.

On a division (demanded by Mr. NOLAN) there were—ayes 48, noes 34.

Mr. NOLAN. Mr. Speaker, I make the point of no quorum present.

The SPEAKER. It is clear there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—ayes 142, noes 174, answered "present" 2, not voting 110, as follows:

#### YEAS—142.

Ackerman	Fuller	McClintic	Sanders, Ind.
Andrews, Md.	Glynn	McFadden	Sanders, N. Y.
Aswell	Goodykoontz	McKenzie	Sanford
Barkley	Gould	McKeown	Scott
Beggs	Graham, Ill.	McLaughlin, Mich.	Sherwood
Black	Greene, Mass.	McPherson	Shreve
Bland, Ind.	Greene, Vt.	Madden	Sisson
Blanton	Griffin	Magee	Snell
Box	Hardy, Colo.	Mansfield	Snyder
Brooks, Ill.	Hastings	Mapes	Stegall
Buchanan	Haugen	Mays	Stedman
Burdick	Hernandez	Merritt	Steenerson
Burroughs	Hickey	Michener	Stines
Butler	Hicks	Milligan	Strong, Kans.
Campbell, Kans.	Hill	Moores, Ind.	Summers, Wash.
Caraway	Hoch	Nelson, Mo.	Sweet
Chudblom	Holland	Nichols	Swindall
Connally	Houghton	Oliver	Taylor, Ark.
Cramton	Hudspeth	Olney	Thompson
Dale	Hutchinson	Palke	Tilson
Darrow	Jacoway	Parker	Fincher
Davis, Minn.	Jeffers	Parrish	Tinkham
Dewalt	Johnson, Ky.	Patterson	Treadway
Dickinson, Iowa	Jones, Pa.	Phelan	Vaile
Drewry	Jones, Tex.	Pou	Venable
Echols	Quin	Radcliffe	Volstead
Esch	Kendall	Ransley	Wason
Evans, Nebr.	Kincheloe	Ricketts	White, Kans.
Fairfield	Kraus	Robinson, N. C.	White, Me.
Ferris	Kreider	Rogers	Wilson, La.
Fess	Lanham	Romjue	Winslow
Fields	Larsen	Rouse	Wood, Ind.
Fish	Layton	Rube	Wright
Focht	Luce	Rubey	Young, Tex.
Freeman	Lufkin	Rucker	
French	Luhning		

#### NAYS—174.

Almon	Crowther	Hersman	Martin
Anderson	Cullen	Howard	Miller
Andrews, Nebr.	Curry, Calif.	Huddleston	Minahan, N. J.
Anthony	Davis, Tenn.	Hull, Iowa	Monahan, N. J.
Ayres	Denison	Hull, Tenn.	Mondell
Babka	Dominick	Igoe	Montagne
Bankhead	Dowell	Ireland	Moore, Ohio
Bee	Drane	James, Va.	Moore, Va.
Barbour	Dunbar	Johnson, Miss.	Mott
Bee	Dunn	Johnson, S. Dak.	Murphy
Benham	Dupré	Johnson, Wash.	Neely
Benson	Dyer	Keller	Newton, Minn.
Boles	Eagan	Kelley, Mich.	Newton, Mo.
Bowers	Elliott	Kelly, Pa.	Nolan
Bowling	Elston	Kettner	O'Connell
Brand	Evans, Mont.	King	O'Connor
Briggs	Evans, Nev.	Kinkaid	Ogden
Brinson	Fisher	Kieciska	Oldfield
Britten	Flood	Lampert	Osborne
Brooks, Pa.	Gallagher	Lankford	Overstreet
Browne	Gard	Lazaro	Padgett
Burke	Garner	Lee, Calif.	Pell
Caldwell	Garrett	Lee, Ga.	Perlman
Cannon	Godwin, N. C.	Leibach	Porter
Carrs	Goldfogle	Linthicum	Purnell
Christopherson	Goodall	Little	Rafney, Ala.
Cleary	Green, Iowa	Longworth	Raker
Coady	Hadley	McDuffie	Ramsey
Cole	Hardy, Tex.	McLaughlin, Nebr.	Ramseyer
Collier	Hawley	McLeod	Randall, Wis.
Cooper	Hayden	MacGregor	Rayburn
Crago	Hays	Major	Reber
Crisp	Hersey	Mann, Ill.	Reed, N. Y.



Reed, W. Va.	Sims	Tague	Ward
Rhodes	Sinclair	Taylor, Tenn.	Watkins
Riddick	Sinnot	Temple	Watson
Robison, Ky.	Slemp	Tillman	Weaver
Rodenberg	Small	Timberlake	Webster
Rose	Smith, Idaho	Towner	Welling
Sabath	Smith, Mich.	Upshaw	Williams
Sanders, La.	Smithwick	Volgt	Wingo
Schall	Stephens, Ohio	Volk	Young, N. Dak.
Sells	Summers, Tex.	Walsh	
Siegel	Swope	Walters	

ANSWERED "PRESENT"—2.  
Carter Knutson

NOT VOTING—110.

Ashbrook	Eagle	Kless	Rowan
Bacharach	Edmonds	Kitchin	Scully
Baer	Ellsworth	Langley	Sears
Bell	Emerson	Leshner	Smith, Ill.
Bland, Mo.	Fordney	Loneragan	Smith, N. Y.
Brumbaugh	Foster	McAndrews	Steele
Byrnes, S. C.	Frear	McArthur	Stephens, Miss.
Bryns, Tenn.	Gallivan	McCulloch	Stevenson
Campbell, Pa.	Gandy	McGlennon	Stoll
Candler	Ganly	McKinley	Strong, Pa.
Cantrill	Good	McKinley	Sullivan
Carew	Goodwin, Ark.	McLane	Taylor, Colo.
Casey	Graham, Pa.	Maher	Thomas
Clark, Fla.	Griest	Mann, S. C.	Vare
Clark, Mo.	Hamill	Mason	Vestal
Classon	Hamilton	Mead	Vinson
Copley	Harrell	Moon	Welty
Costello	Harrison	Mooney	Whaley
Currie, Mich.	Hoey	Morin	Wheeler
Dallinger	Hulings	Mudd	Wilson, Ill.
Davey	Humphreys	Nelson, Wis.	Wilson, Pa.
Dempsey	Husted	Park	Wise
Dent	James, Mich.	Peters	Woods, Va.
Dickinson, Mo.	Johnston, N. Y.	Rainey, Henry T.	Woodyard
Donovan	Kahn	Rainey, John W.	Yates
Dooling	Kearns	Randall, Calif.	Zihlman
Doremus	Kennedy, Iowa	Reavis	
Doughton	Kennedy, R. I.	Riordan	

So the motion was not agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. KNUTSON with Mr. BELL.

Mr. DALLINGER with Mr. CARTER.

Mr. MASON with Mr. KITCHIN.

Mr. KAHN with Mr. DENT.

Mr. GRAHAM of Pennsylvania with Mr. WILSON of Pennsylvania.

Mr. HAMILTON with Mr. GOODWIN of Arkansas.

Mr. VARE with Mr. MOON.

Mr. FREAR with Mr. ASHBROOK.

Mr. FOSTER with Mr. JOHN W. RAINEY.

Mr. GOOD with Mr. GALLIVAN.

Mr. FORDNEY with Mr. CLARK of Missouri.

Mr. HUSTED with Mr. DOREMUS.

Mr. ZIHLMAN with Mr. WOODS of Virginia.

Mr. BACHARACH with Mr. TAYLOR of Colorado.

Mr. MUDD with Mr. CANTRILL.

Mr. HARRELD with Mr. BYRNES of Tennessee.

Mr. BAER with Mr. STEVENSON.

Mr. REAVIS with Mr. CLARK of Florida.

Mr. CLASSEN with Mr. SULLIVAN.

Mr. NELSON of Wisconsin with Mr. BYRNES of South Carolina.

Mr. KENNEDY of Iowa with Mr. WELTY.

Mr. MCCULLOCH with Mr. HUMPHREYS.

Mr. MORIN with Mr. WHALEY.

Mr. KEARNS with Mr. CAREW.

Mr. VESTAL with Mr. STOLL.

Mr. MCARTHUR with Mr. VINSON.

Mr. LANGLEY with Mr. MCANDREWS.

Mr. KLESS with Mr. HENRY T. RAINEY.

Mr. WHEELER with Mr. CAMPBELL of Pennsylvania.

Mr. COSTELLO with Mr. PARK.

Mr. JAMES of Michigan with Mr. WISE.

Mr. STRONG of Pennsylvania with Mr. STEPHENS of Mississippi.

Mr. WILSON of Illinois with Mr. DOUGHTON.

Mr. YATES with Mr. THOMAS.

Mr. WOODYARD with Mr. RIORDAN.

Mr. KENNEDY of Rhode Island with Mr. HARRISON.

Mr. PETERS with Mr. DICKINSON of Missouri.

Mr. EDMONDS with Mr. MAHER.

Mr. SMITH of Illinois with Mr. DAVEY.

Mr. GRIEST with Mr. MCGLENNON.

Mr. MCKINLEY with Mr. SEARS.

Mr. HULINGS with Mr. SMITH of New York.

Mr. ELLSWORTH with Mr. RANDALL of California.

Mr. CURRIE of Michigan with Mr. GANLY.

Mr. DEMPSEY with Mr. MEAD.

Mr. EMERSON with Mr. ROWAN.

Mr. COPLEY with Mr. MOON.

Mr. KNUTSON. Mr. Speaker, I am paired with the gentleman from Georgia, Mr. BELL, and I answered "present." Had I not been so paired, I would have voted "nay."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The question is on agreeing to the conference report.

The conference report was agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. WOOD of Indiana. Mr. Speaker, I ask unanimous consent that the bill H. R. 15543 be taken from the Speaker's table, the Senate amendments disagreed to, and that the conference asked for be granted, and conferees appointed on behalf of the House.

The SPEAKER. The gentleman asks unanimous consent to disagree to the Senate amendments and asks for a conference on the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 15543) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. BARKLEY. Reserving the right to object, do I understand that the agreement had with the gentleman from Kansas [Mr. TINSCHER] earlier in the day, that the amendment on page 65 be not eliminated or the House be given an opportunity to vote on it, is carried in this request also?

Mr. WOOD of Indiana. Yes.

Mr. BARKLEY. I have no objection.

The SPEAKER. The Chair hears no objection.

The following conferees were appointed: Mr. Wood of Indiana, Mr. WASON, and Mr. Sisson.

FORTIFICATIONS.

Mr. SLEMP. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16100, and, pending that motion, I ask unanimous consent that the general debate be limited. I will say to the gentleman from New Jersey that I have had requests on this side for three hours.

Mr. EAGAN. I have requests on this side for three and one-half hours.

Mr. SLEMP. I think we ought to have the debate limited to six hours. Will the gentleman from New Jersey agree to six hours?

Mr. EAGAN. How about six hours and a half? That will take care of all of the requests.

Mr. SLEMP. We have cut down the requests on this side.

Mr. BLANTON. This is the last appropriation bill.

Mr. SLEMP. But this will run us over into to-morrow. Will the gentleman be satisfied with six hours and a half, three hours and a quarter on a side?

Mr. EAGAN. That will be perfectly satisfactory.

Mr. SLEMP. Mr. Speaker, I ask unanimous consent that the general debate be limited to six hours and a half, one-half to be controlled by the gentleman from New Jersey and one-half by myself.

Mr. MILLER. Reserving the right to object, I would like to ask the chairman if he can give me 10 minutes?

Mr. SLEMP. I will.

Mr. MILLER. Could the gentleman from New Jersey give me 10 minutes, making it 20 in all?

Mr. EAGAN. I will do that.

Mr. GARRETT. May I ask the gentleman if it is his purpose to conclude general debate to-day?

Mr. SLEMP. I do not know, but I rather suppose not.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. CLARK of Missouri, for yesterday and to-day, on account of illness.

To Mr. VESTAL (at the request of Mr. PURNELL), indefinitely, on account of sickness in his family.

To Mr. HARRELD, for one week, on account of important business.

FORTIFICATIONS.

Mr. SLEMP. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the fortifications appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16100, with Mr. DOWELL in the chair.

The CHAIRMAN. The Clerk will report the bill by title. The Clerk read as follows:

A bill (H. R. 16100) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1922, and for other purposes.

Mr. SLEMP. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. SLEMP. Mr. Chairman, I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, the fortifications bill now presented to the House is the last of the regular annual appropriation bills and in its presentation and its passage the House has and will establish a record for the prompt passage of appropriation bills.

The earliest date in 20 years of the passage of the last appropriation bill by the House was February 20. In the last 15 years we have not succeeded in getting the last of the appropriation bills through the House earlier than February 23, and from that to March 2.

This record of promptness and efficiency has not been made at the sacrifice of careful consideration of the appropriation bills; as a matter of fact they have never been more closely scrutinized, and when we take into consideration the fact that we have been operating for the first time under a new rule, consolidating the appropriations in one committee, with the resultant thorough investigation and close scrutiny of the bills, Members of the House may well take pride in the record that has been made—a record creditable to both sides of the Chamber.

SAVINGS BELOW THE ESTIMATES AND BELOW THE APPROPRIATIONS FOR THE CURRENT YEAR.

The total sum carried in the regular annual appropriation bills as they passed the House is \$2,154,075,831.29, as compared with a total of \$2,254,544,592.78 as these bills became a law in 1921.

In the passage of these appropriation bills the House has effected a reduction below the estimates of \$1,210,420,798.59, and a reduction below the appropriations for the current fiscal year, not taking into account the Post Office bill, of \$168,748,882.69. If from these reductions we take the amount of the increase in the Post Office bill, due to the increased business and salaries in that department, we have a total net decrease below current appropriations of \$100,468,861.69. These stupendous reductions below the estimates, and very considerable reductions below the bills for the current year, were not made hastily, nor carelessly, nor are they of a character which will hamper the public service. They have been made with due consideration of the needs of the public service and make proper provision for it.

The largest decreases have been made in the Military and Naval Establishments. They are as follows: Military, \$63,707,242; naval, \$37,278,324.77; fortifications, \$10,775,425. This amounts to a total decrease of \$111,760,991.77.

While this is a very considerable decrease to be made in one year in the cost of our defense establishments, it is certainly not too much. In the case of the Navy we might, without impairing the real effective strength of our establishment, still further materially reduce the appropriation. The Navy is costing too much, even from the standpoint of the necessary upkeep and maintenance of the establishment we have, and the proper prosecution of the building program which has been entered upon.

I congratulate the Congress on the record thus far made. It is our duty to bend every energy and exert every effort toward the completion of the appropriations program this session. It would be a calamity if this were not done. Important as other matters are, or may be considered, there are few, if any, of the legislation questions before the Congress, the settlement of which at this session is as essential as the enactment of the appropriations program. After to-day but 13 full legislative days remain in this Congress. It will require most earnest, constant, and continuous effort on the part of the two Houses of Congress to pass all of our appropriation bills before the close of the Congress. It is vital we do it. I have every confidence we will. [Applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Wyoming yields back three minutes.

Mr. SLEMP. Mr. Chairman, the committee having charge of the fortifications bill have striven to present to Congress a real peace program. The appropriations recommended in the bill are small as appropriations go, but are considered by the committee to be ample for the purposes mentioned in the bill.

The estimate submitted to the committee aggregated \$35,516,533.66. This was divided by the department into A, B, and C items; the A items being considered as the most important, the B items such as were useful but not of the most importance now, and the C items being such as could be postponed to a later date.

The A items amounted to \$25,242,756.66.

The B items totaled a little more than seven and a half millions.

The C items totaled nearly three millions.

The appropriations recommended in the bill total \$8,058,017, a reduction of approximately \$17,000,000 over the A items. The amount carried in the bill compares favorably with the appropriations for this service in the fiscal year 1916, when \$6,060,262.90 was appropriated.

The reductions subdivide themselves as follows in the ordnance items: A reduction of \$9,509,980; engineering items, a reduction of \$2,295,029; aviation, a reduction of \$4,047,425; items under the Chief of Coast Artillery, \$831,401; and barracks and quarters, \$930,779.

The reduction in the ordnance estimates applies about equally to mobile or Field Artillery and arms and Seacoast Artillery and arms, the respective amounts being—

For Field Artillery and items pertaining thereto, a reduction of \$4,923,770.

For Seacoast Artillery and items pertaining thereto, \$4,281,210. Proving grounds, \$300,000.

The committee gave much consideration to our situation as to both Field Artillery and material and Seacoast Artillery and material.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Illinois?

Mr. SLEMP. Yes.

Mr. McKENZIE. I would like to inquire of the gentleman from Virginia whether there was any special pressure brought on the committee to junk all of our 12-inch guns at this time, or as speedily as possible, and replace them with 16-inch guns?

Mr. SLEMP. No, sir. There was no proposition, I will say to the gentleman from Illinois, involving that idea.

Mr. McKENZIE. They are still satisfied with the 12-inch gun?

Mr. SLEMP. They are keeping the 12-inch guns for certain secondary purposes in our seacoast defense.

Mr. McKENZIE. Was there any contention on the part of the officers that the 12-inch gun is now obsolete?

Mr. SLEMP. There was an intimation that beyond certain ranges the 12-inch gun would be obsolete. That is to say, it would not have a range corresponding to the largest guns on the best-equipped vessel. But beyond that the committee did not get any further information.

Mr. DEWALT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Pennsylvania?

Mr. SLEMP. Yes.

Mr. DEWALT. How do the present appropriations as outlined by this bill compare with those of the bill of the last fiscal year?

Mr. SLEMP. The last year's appropriation was eighteen million and some odd thousand dollars. This year's bill is eight million and some odd thousand dollars.

We have on hand both guns and ammunition, as a result of our war expenditures, sufficient to equip an army of at least a million men and keep them in the field for from six to nine months with ample reserve in all regards. Both the guns and ammunition are of the latest types used in battle, of the newest make, and should be sufficient for any immediate need. There is no request from the War Department for the production of any more of these guns or ammunition. The bill therefore carries no appropriation for such items.

The War Department did make estimates for Field Artillery items under the Artillery items which, as I have said, amounts to \$25,242,756.66, the amount for these Field Artillery items being \$6,877,770, which the committee reduced to \$1,949,000. The basis of these estimates was the desire to continue the experimental and development work of the War Department on types and designs of guns, tractors, carriages, and ammunition. On this work a great deal of money has been expended during the past two years. Soon after the armistice the Secretary of War appointed a board of officers known as the Westervelt Board,



composed of men who had seen service on the western front, to make a study of the gun tractor and ammunition matériel of the various combatant nations, with a view to determining the best type of this matériel as developed by actual service in the field. The board made a report known as the Westervelt Board report. It is quite voluminous and full of technical information. It makes recommendation of various degrees of refinements on almost every kind of Artillery matériel from the 37-millimeter gun and ammunition to the 14-inch gun and howitzers corresponding. The theory has been to make what is called pilot mounts, with different types of trails and on different mounts, both tractor type and caterpillar type, and during the past two years a considerable sum of money has been expended on this work, mostly from war funds retained by the War Department. No conclusions have yet been reached, though many types are approaching completion. It was thought wise by the committee to curtail this expenditure largely, take stock of what we had done, study the types produced, and in general continue the work along lines of expenditures on appropriations specifically made by Congress for the type desired to be studied or produced. Having this in view, the committee reduced the estimates but yet left available about \$2,000,000 for this work. This work, I may say, is regarded of much importance by the War Department, as it is the only method by which we can perpetuate the knowledge of types gained by our experiences in the World War and is one of the important elements of national preparedness.

Our situation in regard to seacoast artillery and ammunition is somewhat different. The amount estimated for was \$8,058,210. The bill carries \$3,777,000, or a reduction of over \$4,000,000. The large element of this reduction was in the powder items, of which we have an enormous amount of serviceable supply on hand—about 300,000,000 pounds—and in the reduced rate at which the present manufacturing program will be continued. The bill carries appropriations for the large guns on which construction has been going on since 1918, but for no new guns. It does carry provision for ammunition for types in which there is a deficit. It is felt by the committee that our coast defenses are in excellent condition, the 12-inch gun program having been practically completed in all its details and a reasonable provision made for the installation of other types approved and urged by the War Department. The estimate for aviation the committee thought well not to authorize. The amount in continental United States was for the purchase of new aviation sites, often at very high figures, and involving an expenditure of several million dollars ultimately on new stations, while both the Army and the Navy are engaged under other appropriations in similar undertakings. It was thought best to await some further combination of efforts before establishing new stations purely for coast defense.

The unexpended balance in Hawaii it is sought to make available for next year, and it is believed that this balance will be sufficient for the requirements of the aviation force now.

The situation in general in Panama and the Philippine Islands is similar to that in the United States, and no appropriation is carried therefor.

The reductions in the Coast Artillery and barracks and quarters items do not in any way affect the service.

It may be said that the maintenance and upkeep items are mainly as requested by the department, and are considered reasonable in every regard.

The committee, through the splendid work of Gen. Lord, Chief of Finance, has inserted in the bill a provision preventing the expenditure of \$233,555,760. Some of this would have lapsed on June 30 and some of it would have been subject to expenditure after that date. The return of this money to the Treasury has the approval also of the Claims Board, there being retained money sufficient in the Treasury to satisfy claims against the Government. With the return of this money to the Treasury we begin to see the end of war expenditures and war appropriations and the visualization of peace, certainly so far as appropriations for war expenditures and claims arising thereunder is concerned. [Applause.]

Mr. TILSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Connecticut?

Mr. SLEMP. Yes.

Mr. TILSON. Has anything been done, or is anything in contemplation to be done, toward the elevation of certain seacoast guns of the medium calibers, like the 12-inch guns, to make them fire at a higher angle of fire, so as to get a longer distance?

Mr. SLEMP. There are no items carried in the bill for any changes in any of the carriages or any of the mounts of the 12-inch guns.

Mr. TILSON. It is considered practicable, is it not, to raise the elevation somewhat, in order to get a longer range?

Mr. SLEMP. There are two ways to secure a longer range; one by a change of ammunition, and another by a change of the carriage. If you change the ammunition you would get a better range by 2,000 yards.

Mr. TILSON. Has anything been done toward saving the special tools which have been provided at such great expense during the war in case we should hereafter need additional guns or ammunition?

Mr. SLEMP. In response to that, I suppose the gentleman's question involves the jigs and fixtures?

Mr. TILSON. Yes; all those things that must be used in quantity production.

Mr. SLEMP. We expended over \$100,000 in assembling the jigs and fixtures. They are going along, card-indexing them and putting them in little boxes. That work went on last year, and it is assumed that the \$90,000 expended next year will do all that will be necessary in the listing and filing of all the jigs and fixtures. The work of getting together the designs from the various manufacturing organizations of the country has been slower; that is to say, communication has to be had with every manufacturer of Army material. Substantial progress has been reported on that, but that work is not completed by any means.

Mr. TILSON. Does the bill carry an appropriation for putting into production hereafter some of the new arms or ammunition brought out in the last stages of the war?

Mr. SLEMP. I would say to the gentleman that those new types are the ones that have been referred to here as having been inaugurated by following out the recommendation of the Westervelt Board report. The year before the present year a lot of money was spent on that.

I have tried to figure it out, but could not; I have tried to get the information, but failed. I think that perhaps \$40,000,000 was expended on these new types as a whole last year out of the war funds; they have again this year expended several million dollars on these types and various types of the 75-millimeter guns, new types of howitzers, and new 240-millimeter guns and so on and various kinds of trails and various types of tractors, up to the self-propelled caterpillar type. We have not a single one of those delivered for investigation or test. Some of them are on the way to the Aberdeen Proving Ground and others will get there presumably by the 1st of July, and the test of those will be made next year.

Now, then, the theory of the War Department is that after these tests are made—those are what are called pilot mounts—if the tests are satisfactory, then Congress will be asked for the production of more of those types for service in the field, and then, if that is satisfactory, they will ask for appropriations for jigs and fixtures.

Mr. TILSON. The 240-millimeter did not reach the same advanced stage of production as the 75-millimeter and the 155-millimeter?

Mr. SLEMP. No. The difficulties in regard to it are not settled. They do not know whether they are attributable to the ammunition or to the gun. If the gentleman will pardon me, I will say that we are a long way from getting to the point of having these new jigs and fixtures put away in the boxes, and so on, so that if we were in war in six or eight months or nine months we could go to the boxes and take the jigs out and equip a new plant. We are far from that.

Mr. TILSON. The gentleman does not know, then, whether the 240-millimeter gun is going on to completion and is being made ready for production?

Mr. SLEMP. I have just said that the department has not solved the difficulties in regard to the 240-millimeter gun. Until that is done nothing can be done.

Mr. TILSON. Do not some officers recommend going up to the 155-millimeter, and then skipping some of the intermediate calibers—not go on with the 240-millimeter at all?

Mr. SLEMP. I would say that the proper conclusion about that is this, that there is some confusion about the interchanging types. That is to say, they are trying to get the 75-millimeter gun fitted with ammunition to have the same range with the 155-millimeter gun, and the 155-millimeter gun with this new ammunition would be placed in the class of the gun just preceding. That has not been done.

Mr. GOODYKOONTZ. The gentleman mentioned the fact that we had something over 200,000,000 pounds of powder on hand. I am wondering whether or not this powder is likely to deteriorate, and whether or not it would be advisable to dispose of some of that powder for use in blasting stumps on farms and in constructing highways.

Mr. SLEMP. I will say to the gentleman that the War Department report 287,000,000 pounds of powder on hand, and

about 30,000,000 pounds of pyro-cotton, which is powder in a 50 per cent state of completion, and that the life of that powder is supposed to be 15 years. Therefore it has anywhere from 11 to 13 years to run. The War Department did propose that they begin reworking that powder, and in the estimates for this bill asked for several million dollars for reworking powder; but that would involve reworking powder that has 11 to 13 years still to run, and it was thought perhaps best not to do that. Then the committee asked as to whether they could sell the powder or not, and the department replied that there was not much demand for it.

Mr. BRIGGS. Why do they want to rework the powder if it keeps in good condition for 15 years?

Mr. SLEMP. Upon this theory, that at the end of the 15 years the powder would all be defective, and then we would have no powder at all, and that therefore it was well to rework this powder, one-fifteenth part of it each year. The committee thought they could postpone the inauguration of that work to some later date.

Mr. OSBORNE. Mr. Chairman, will the gentleman yield?

Mr. SLEMP. I yield to the gentleman from California.

Mr. OSBORNE. Is there any provision in the bill for a more ample defense of the Pacific coast, the end of the Panama Canal, and the islands of the Pacific?

Mr. SLEMP. I will say to the gentleman that consideration was given to the Panama Canal situation, and the committee received a confidential letter from the Secretary of War which, of course, is available to the gentleman, and we are in a position to increase the armament at Panama still further, but that is dependent upon acquiring property, the right to acquire which is denied by individuals down there, and that is where any new armament will have to be placed. The matter is in the hands of the State Department for negotiation, to work it out, and this bill carries an item to pay for the land if we get it.

Mr. HICKS. Will the gentleman yield there?

Mr. SLEMP. Certainly.

Mr. HICKS. In that connection, I want to ask my friend if in considering the strength of these coast defenses the element of Army and Navy aviation is taken into consideration? For instance, at Panama the Navy has an aviation station at Coco Solo and the Army has a very large aviation station, and is contemplating building another. These are very important in the defense of that canal, and I am wondering how close the relation is between the aviation force of the Navy and the fortifications.

Mr. SLEMP. There is no relationship, apparently, between the Navy aviation forces and the Army aviation forces on the Panama Canal; that is to say, we have barracks, quarters, and provisions for one squadron of aviators on our island, and they ask for a little more than this committee voted. Over on the other side of the body of water the Navy seem to be getting along entirely independent of what has already taken place on the other side.

Mr. HICKS. There is no very close coordination?

Mr. SLEMP. I should say not.

Mr. OSBORNE. In continuation of my inquiry, does the bill make provision for a further defense of the rather weak situation on the continental Pacific coast of the United States?

Mr. SLEMP. I will say to the gentleman that the department is building some very large guns—forty-two 14-inch guns—that we have mobile artillery on railway mounts, and so forth, to the number of nearly 300 guns, some of which are to be sent to the Pacific coast, and that recent investigation has been made at Puget Sound, for example, to ascertain its availability for the establishment of mines. It had been stated previously that Puget Sound could not be mined, but the report now is that that Sound can be mined and made absolutely impregnable to any vessels coming up. Now, we took up with the department the question of the islands outside of San Francisco and Los Angeles, and the department reported that there was no movement to increase the fortifications there, and they did not think there was any necessity for it. The present existing plans on that coast have been largely completed, and in addition, of the two seacoast aviation stations in the United States one is at Staten Island and the other at San Francisco, where we have spent in the last year a little over \$1,000,000. That will be largely completed at the end of this fiscal year, and it is thought that that will add sufficiently to the defenses of the Pacific coast.

Mr. DEWALT. Will the gentleman yield?

Mr. SLEMP. Certainly.

Mr. DEWALT. Am I correct in understanding the gentleman to say that the bill now pending cuts out all appropriations for aviation service in the fortifications?

Mr. SLEMP. The sum of \$688,000 is carried over from last year's appropriation for continental United States. We asked

the governmental authorities at Hawaii to report on the \$1,300,000 that was set aside for them last year. They report that only about \$14,000 of that money had been expended up to the 1st of January. The committee asked the department to wire there for reports up to date, and day before yesterday no answer had been received. They were slow in doing that work, because the department contended that there were very few contractors out there, and that if time were given they could do the work themselves at a saving to the Government of about 25 per cent. So the committee carried over the something over \$1,000,000 for the completion of that work and did not give any additional money, thinking it to be unwise to do so.

In regard to aviation in the United States for seacoast defense, they asked for five new aviation stations. They said they were for the purpose of fire control. This bill and previous bills have carried a lot of money for fire control. The estimates run up to \$5,000 an acre, and it was not thought necessary for the immediate future, inasmuch as some of the batteries are not completed, to go to that expense for fire-control purposes now.

Mr. DEWALT. Will the gentleman yield?

Mr. SLEMP. Yes.

Mr. DEWALT. I assume that the committee also took into consideration the amount appropriated in the Army bill and the Navy bill.

Mr. SLEMP. Yes. I thank the gentleman for reminding me of that. The Army bill carried \$19,200,000 for aviation, and that was in addition to the pay of the officers and men, which amounted to about \$19,000,000 more. So that the Army will spend about \$37,000,000 for aviation. On a similar basis the Navy will spend \$23,000,000, and we will spend nearly \$2,000,000 additional.

Mr. DEWALT. And have the unexpended balance?

Mr. SLEMP. No; including the unexpended balance.

Mr. DEWALT. And so the committee thought it wise not to make any further appropriation?

Mr. SLEMP. Not without some coordination in the relationship between the Army and the Navy and the seacoast defense in the matter of aviation.

Mr. DEWALT. Are any steps being taken in that direction?

Mr. SLEMP. That matter is being investigated by the War Department.

Mr. BRIGGS. Will the gentleman yield?

Mr. SLEMP. I will.

Mr. BRIGGS. Who has charge now of the seacoast defenses?

Mr. SLEMP. The Chief of the Coast Artillery, and they have a General Board composed of the Army and the Navy.

Mr. BRIGGS. And they cooperate with the Chief of the Coast Artillery?

Mr. SLEMP. Yes.

Mr. BRIGGS. What disposition is to be made of the new guns for the Coast Artillery? Where are they to be located? Have any plans been made for placing them?

Mr. SLEMP. The 16-inch gun program is set out in a letter from the Secretary of War indicating the place where the guns will be placed. That is available to the gentleman, but it is not public. The 14-inch gun proposition varies somewhat, but some railway carriages are being built for them.

Mr. RAMSEYER. Will the gentleman yield?

Mr. SLEMP. I will yield to the gentleman.

Mr. RAMSEYER. Speaking of appropriations for aviation, is the money carried in this bill for aviation expended under the direction of the War Department or the Navy Department?

Mr. SLEMP. Under the War Department.

Mr. RAMSEYER. Why have separate appropriations for aviation in this bill and also for the War Department and the Navy Department?

Mr. SLEMP. We had on this subcommittee a member of the naval committee, the gentleman from Idaho [Mr. FRENCH]; and as between the Army and the Navy I do not know that I can answer the gentleman.

Mr. RAMSEYER. Is not all the money appropriated in this bill to be expended under the War Department?

Mr. SLEMP. Yes.

Mr. RAMSEYER. Upon what theory is the appropriation for the fortification bill made separate from the Army bill?

Mr. SLEMP. I do not know the history of the fortification bill. It is for purposes midway between the Army and the Navy, but, as was just suggested to me, it is rather an academic question, and the Army and the Navy Departments alone can figure it out.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. SLEMP. Certainly.

Mr. MANN of Illinois. Is it not very likely that if the appropriation authority remains in the Committee on Appropriations



the fortification appropriation bill and the Army appropriation bill will be consolidated?

Mr. SLEMP. I should say by all means that ought to be done.

Mr. MANN of Illinois. The gentleman knows why. When the authority to appropriate for the Army was taken away from the Committee on Appropriations, giving it to the Military Affairs Committee, it was held by the House that they did not take away the authority to appropriate for fortifications, because that was not an appropriation for the Army, and that led to the fortification bill.

Mr. RAMSEYER. The expenditure of the money in the fortification bill is under the War Department.

Mr. MANN of Illinois. Certainly.

Mr. SLEMP. The chairman of the Appropriations Committee in making subcommittee assignments this year took from the Army the gentleman from Kansas [Mr. ANTHONY] and the gentleman from Alabama [Mr. DEXE] and placed them on a subcommittee and added to it the gentleman from Idaho [Mr. FRENCH], a member of the Naval Committee. They worked the fortification bill out in the best possible relations with the Army and Navy. I will say that I thoroughly approve of the plan of having both appropriations in one bill. [Applause.]

Mr. EAGAN. Mr. Chairman, I yield three minutes to the gentleman from South Carolina [Mr. BYRNES].

Mr. BYRNES of South Carolina. Mr. Chairman, I asked for three minutes to keep the record straight as we go along. The gentleman from Wyoming made a statement with reference to appropriations, and inasmuch as he and I do not figure exactly alike, I wish to put in the Record a statement of the appropriations to date as I figure them.

The total appropriations for the current year carried in the regular supply bills amount to \$2,254,544,502.78. The total appropriations carried in exactly the same bills for the next fiscal year as they have been reported to the House amount to \$2,156,626,221.79. Taking these figures, it makes a net reduction of \$97,918,370.99 in the bills as they pass the House. But bills as they pass the House do not always become law.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. MONDELL. The gentleman has figured \$97,000,000 as against my \$100,000,000. I trust the gentleman will carefully examine his figures before he puts them in the Record, as I shall mine, because I believe my figures are accurate, and I do not quite understand how there could be a difference of \$2,000,000, although that is not a very large sum when compared with the billions involved.

Mr. BYRNES of South Carolina. The explanation of the difference between us is that the figures I have given represent the total of the bills as reported to the House. As they passed the House the total was \$2,153,702,961.79, making the net reduction as they passed the House \$100,841,630.99. But here is what I want to call to the gentleman's attention—that these bills have gone to the Senate, and it is much more informing to the Congress and to the country to state that the bills that have been reported to the Senate and those that have passed the Senate show an increase of \$239,902,000 over the amount they carried when they passed the House, and the ones I have figured on do not include either the Army or the Navy appropriation bills, which have not yet been reported to the Senate.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. EAGAN. Mr. Chairman, I yield the gentleman one additional minute.

Mr. BYRNES of South Carolina. When you deduct the net reduction as they passed the House from the increase in the Senate it shows that to-day there is an increase in the regular supply bills for the next fiscal year of \$139,000,369.01 over those of the current year, and it is up to this Congress between now and March 4 to take stock, and instead of boasting about a reduction of appropriations as they passed the House or a reduction of estimates, we should bring about a substantial reduction of appropriations in the law finally enacted for the next fiscal year. Unless the gentleman's party does that, it will be condemned by the American people for some years to come.

Mr. MONDELL. Will the gentleman from South Carolina assist us in keeping down these appropriation bills as they come from the Senate?

Mr. BYRNES of South Carolina. The gentleman from South Carolina has been doing his best to do that, and wants to know whether the gentleman from Wyoming will help this side of the House in keeping them down?

Mr. MONDELL. Yes.

Mr. BYRNES of South Carolina. There is some hope, then, but you have \$140,000,000 to work on already.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. EAGAN. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. SLEMP. Mr. Chairman, I yield the gentleman from Texas five minutes.

The CHAIRMAN. The gentleman from Texas is recognized for 25 minutes.

Mr. BLANTON. Mr. Chairman, one of the most disgraceful, outrageous, and inexcusable scandals that has ever been connected with our War Department or with our Government is to be found in the escape of what is now internationally denominated the millionaire slacker, Grover Cleveland Bergdoll. The facts connected with that escape and the present condition of that case smell to heaven. Here is a man who evaded the draft, who ridiculed his country and his flag, a man who ridiculed the men who were fighting for the principles of the institutions of his country, and who, after being apprehended and convicted and sentenced to five years in the penitentiary, made to the War Department a little, measly excuse for getting out, saying that he had a treasure buried somewhere, and that he wanted to go and dig it up. The War Department upon such a flimsy excuse permitted him to go, and I understand that it was at the instance—and it is not denied—of one Gen. Ansell, who much of his life has been in the pay of this Government, a man who was educated at the Government's expense in one of its institutions, and who has been on the pay roll as an Army officer most of his life since he has been out of school. It was at his instance, I say, that this man Bergdoll was permitted to go and dig up this alleged treasure, and it is stated in the press to the American people that this man Ansell has been paid \$100,000, or that contracts have been made with Bergdoll's relatives to pay his firm that sum—to evade the law, to override the law, if you please. Under such circumstances what do we find? The Military Committee, which is composed of distinguished Members of this House, ever since the 1st of last July has had a clerk drawing a salary of \$2,740—he is paid \$2,500 and he receives the bonus of \$240—it has had an assistant clerk drawing \$2,220, which with the bonus makes \$2,460, and it has had three other assistant clerks drawing with the bonus \$1,740 each, and from July 1 until December 6, 1920, they did not have a thing on God's earth to do. The Military Affairs Committee is composed of such capable men on the majority side as JULIUS KAHN; JOHN C. MCKENZIE; FRANK L. GREENE, of Vermont; JOHN M. MORIN, of Pennsylvania; THOMAS S. CRAIG, of Pennsylvania; HARRY E. HULL, of Iowa; ROLLIN B. SANFORD, of New York; W. FRANK JAMES, of Michigan; CHARLES C. KEARNS, of Ohio; JOHN F. MILLER, of Washington; and others eminently qualified to conduct an investigation. Since the new rule has been adopted which takes the appropriating power away from that committee the committee has had practically little to do. During the month of December, after this Congress met, the committee had only four meetings, and I get the figures from the clerk of the committee. Why could not that committee have investigated the Bergdoll case in December? What has kept them from doing it? This was a military scandal; it was something that occurred in the Army. Why did not the distinguished gentleman from California [Mr. KAHN] shake those gory locks and say, "Come together men, we are going to find out who is responsible for this dirty, infamous, millionaire slacker getting away from the Army." He has done nothing, absolutely nothing, except to make excuses.

When the soldier boys of this country who risked their lives in France, who brought back from France a world victory, called on the Military Affairs Committee to see what were the facts connected with this escape, not only to apprehend the slacker but the others connected with him, and bring them back here and put them in the penitentiary where they belong, the only excuse which the gentleman from California [Mr. KAHN] offers has been that the gentleman from Texas [Mr. BLANTON] stands in their way, and he blocks them every time they want to do anything. My God, has the gentleman from Texas such power as that? Is he able to block the great Congress from doing its duty? That excuse is ridiculous to the people of this country.

Mr. DEWALT. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I regret I can not yield just now. I shall later. Do you know what really happened in the last session of the Congress? In the closing hours of the session, when 164 Members had already left Washington and gone to their homes, when over 100 more had their transportation in their pockets waiting for the Congress to adjourn in order that they might get to the hustings and begin their political campaigns—in the

dying hours of that session the gentleman from Kansas [Mr. CAMPBELL] asked unanimous consent for the consideration of resolution 574, introduced by the gentleman from California [Mr. KAHN]. What was the resolution? Was it a proper resolution that this committee should investigate the Bergdoll matter? No.

If it had been I never would have objected. I blocked only what I considered the politics in it. Right here I want to say I have been trying my dead level best ever since this Congress met, on December 6, 1920, to get Mr. KAHN to have his Committee on Military Affairs to make an investigation and have been trying to get the gentleman from Kansas [Mr. CAMPBELL] to vote out my resolution No. 603 directing this committee to make this investigation, and I have failed.

Mr. DEWALT. Will the gentleman now yield?

Mr. BLANTON. I wish the gentleman would not interfere—

Mr. DEWALT. Not with the idea of interference, but simply for information.

Mr. BLANTON. This is an important matter.

Mr. DEWALT. The information desired is very important also. Will the gentleman yield?

Mr. BLANTON. I will yield.

Mr. DEWALT. I have here what purports to be an article published in a publication called the Echo, which is signed "THOMAS L. BLANTON"—

Mr. BLANTON. Well, I do not yield for that extraneous matter. [Laughter.] The gentleman misled me. I thought he was going to—

Mr. DEWALT. Not with the idea of misleading, but simply for the information of this House.

Mr. BLANTON. I do not yield for that.

Mr. DEWALT. Will the gentleman yield hereafter?

Mr. BLANTON. Mr. Chairman, do not take this out of my time; I refuse to yield.

Mr. DEWALT. Will the gentleman yield hereafter?

Mr. BLANTON. Mr. Chairman, will the Chair please note that I do not yield, and I ask that he not take this out of my time. What was there in the gentleman from California's [Mr. KAHN] resolution 574? Was it a bona fide resolution? Was it a resolution to get all the facts? Let us see about it. It provides that there should be a select committee of five appointed to investigate Bergdoll; that they should be permitted to sit during the vacation of Congress; that any one of them could sit as a subcommittee anywhere in the United States; that they should have the power to summon witnesses from one side of the United States to the other at Government expense; that they should have the power and authority, any one of these subcommittees, to employ all the lawyers they wanted, to employ all the clerks they wanted, to employ all the stenographers they wanted, to have all the printing done at Government expense that they wanted, and that was to be done during a vacation of Congress, during July, August, September, October preceding the election. I knew that the resolution was full of politics and might waste thousands of dollars. I know it was not designed to get the facts. I knew that the Committee on Military Affairs with all these idle employees could just as well have performed that labor, and with little expense. They had access to all these records. They could summon the witnesses if they ask us to authorize them. They already had access to reporters of Congress to report their proceedings, paid for by the year at \$6,000 a year. Why could not the able, distinguished Committee on Military Affairs have investigated, and when they asked to carry on that political matter here in recess of Congress at the people's expense, I objected and blocked it because I wanted to offer a substitute when it came up in a proper way. I knew it was otherwise going through under unanimous consent without giving us a chance, as they would have moved the previous question, and I wanted some assurance that I could offer a proper substitute to have the Committee on Military Affairs do the work as it could do at a nominal cost. Then the gentleman from Kansas rose and said, "I present a privileged rule from the Committee on Rules," and that made in order this resolution, and I said, "We will get a quorum, we have not got a quorum," and I made the point of no quorum after the recess.

Mr. CAMPBELL of Kansas. May I ask the gentleman from Texas if that is not the usual course a man adopts when he is conducting a filibuster against a bill or resolution?

Mr. BLANTON. I am going to get to the gentleman directly, with his locks combed down like Bobby Burns.

Mr. CAMPBELL of Kansas. Well, I have the gentleman now.

Mr. BLANTON. I have got you now; I have got your number, and you know it. [Laughter.] I have had your number a long time. What did the gentleman ask? Yes; with the

special rule to present, I made him get a quorum, only when he sought to force the House by the following rule:

The Clerk read as follows:

"Mr. CAMPBELL of Kansas, from the Committee on Rules, submits the following report:

"The Committee on Rules, to which was referred House resolution 574, submits a privileged report on said resolution, with the recommendation that it be adopted.

And I stopped it by making a point of no quorum, and then after a recess, when we obtained a quorum, the following occurred:

The SPEAKER. Two hundred and seventy Members have answered to their names, a quorum is present.

Mr. CAMPBELL of Kansas. Mr. Speaker, just before the recess I submitted a resolution to investigate the escape of a military prisoner, one Bergdoll. The circumstances surrounding the escape point to a very nasty scandal.

Mr. BLANTON. Mr. Speaker, I demand the regular order.

Mr. CAMPBELL of Kansas. There being objection, Mr. Speaker, to the consideration of the resolution, I withdraw the resolution.

There he had a special rule in his pocket, had offered it making the Kahn resolution No. 574 a special order, the special privileged business of this House, and because one little insignificant Member from Texas gets up and asks for the regular order it scared him to death, and the chairman of the Rules Committee said, "Mr. Speaker, objection being made, I withdraw the resolution." [Laughter.] That rule made the Kahn resolution the privileged business of this House. Why did not the gentleman put it to a vote? He knew what I was going to do; he knew it was full of politics; he knew he was prepared to use it during recess—

Mr. MONDELL. Will the gentleman yield?

Mr. BLANTON. I am glad I have gotten the gentleman from Wyoming in here. I will have the whole steering committee in here in a minute. [Laughter on the Democratic side.]

Mr. MONDELL. Will the gentleman yield?

Mr. BLANTON. Mr. Chairman, the gentleman from Wyoming knows he can get all the time he wants, and I do not want him to use my time.

Do you know what happened? My good friend from South Dakota came in here and admitted that as the chairman of an investigating committee he had employed this Gen. Ansell at the rate of \$20,000 a year for legal advice for their committee. And it was admitted on the floor here on February 10, as you will see if you get the Record, that the last special committee of this kind that we appointed has spent over \$201,000 of the people's money, and the distinguished gentleman from Illinois, the chairman of the Committee on Accounts—God bless him; he is one dependable man at least that we have on this other side of the House—got up and intimated, "You can not pull the wool over my eyes." When his colleague [Mr. FREAR] said there had not been paid to a certain attorney \$3,000, Mr. IRELAND called him down and said, "Yes; we have. Here is the voucher for it." The gentleman [Mr. IRELAND] then said, "I have gotten tired of saving the people's money at the spigot and having my colleagues over here kick it out at the bung-hole." And he said, further, that not a single thing had ever come out of these investigations worth while; that it was a waste of the people's money.

And my good friend from South Dakota [Mr. JOHNSON]—and I admire him and think as much of him as any man in the House—said he was sorry he had kept Gen. Ansell from not making \$50,000 more. Now, I want to tell you the worst of it. Just the other day, as the distinguished gentleman from California [Mr. KAHN], the chairman of the Committee on Military Affairs, knows, there appeared since this Congress has met, not long ago, before the Military Affairs Committee and testified this Gen. Ansell, and he spent a good while in testifying. Not a question was asked him about the escape of Grover Cleveland Bergdoll or his \$100,000 fee from the Bergdolls. The gentleman from California was so uninterested in finding out the facts that he let that man Ansell come here and testify before his committee, and never asked him about his connection with Grover Cleveland Bergdoll or the \$100,000 fee paid him. Does he want to apprehend him? That does not look like it. During this whole session of Congress, since we met early last December, Mr. KAHN's committee has had only one meeting on the Bergdoll matter, only one—hearing and one executive meeting—and that is all. And I want the American Legion men to know this, all this camouflage about what he is going to do about Bergdoll that has been put in the newspapers does not mean anything. You owe it to the country, Mr. KAHN; you owe it to the country, my dear friend from Kansas, the chairman of the Rules Committee—and I do think lots of him [laughter]—you owe it to the country to see that Grover Cleveland Bergdoll is brought back here from Germany. If you took the proper proceeding, you could get the State Department to get Germany to turn him back to us. You have not taken the



proper step for it. If you will give me authority to act for you, I believe I can persuade Germany that they have got no right as a military nation to hold a dirty military slacker in their midst.

Mr. JOHNSON of South Dakota. Will the gentleman yield for one question?

Mr. BLANTON. I will, because the American Legion men—and the gentleman is one of them—have a right to be heard on this question.

Mr. JOHNSON of South Dakota. I only wanted to ask the gentleman if the power to make this request of Germany is not now vested in the present Secretary of State?

Mr. BLANTON. We Democrats are getting out of the Secretary of State's office right now and the gentleman's party is coming in. I want that to be the first act the State Department does when you are in, to get that slacker back here and put him in the penitentiary, and put every one in the penitentiary with him who had anything to do with his escape.

Mr. VENABLE. Will the gentleman yield?

Mr. BLANTON. I am sorry I can not. Did you know that on the 6th day of December, 1920, when this Congress met, Mr. KAHN had authority then and Mr. CAMPBELL had authority then to call up this Kahn resolution under that special rule that was granted in June? That special rule never has been abrogated by the Rules Committee.

Mr. CAMPBELL told me yesterday that he had it in his pocket; that he had not called it up, because he did not have time; but told me he had it in his pocket. And if that is not so, I will yield to him now to deny it. He had it in his pocket. Why have you not called it up? Why, the distinguished gentleman from California [Mr. KAHN] said he had not had time. On the 9th day of December—I think it was the 9th—just a few days after Congress met last December, he [Mr. KAHN] used an hour and 15 minutes by special order—an hour was granted by special order and 15 minutes additional was allowed—and his general subject was Japan, but his inside subject was military preparedness, and with his inside subject he got in one or two little sentences about universal military training, to take the boys out of homes in peace times and send them to camp, although he spent most of his time on Japan. He could have called his Bergdoll resolution up on the 6th, 7th, 8th, 9th, or 10th of December, or on any other day that Congress met. It was privileged under said rule. If the gentleman from Kansas [Mr. CAMPBELL] wanted to do it, he had the right to call it up. That rule has not been abrogated. Why have you not called it up, PHIL? Why have you not called it up? I yield for answer. Why do you not call it up now? If you call it up now I will yield the floor to you for that purpose. We want to vote on that question.

Now, let me show you what I have here. On December 7, 1920, the second day that this House met—I waited the first day, thinking that they might call it up themselves—on the 7th day of December I introduced this resolution:

No. 603.

IN THE HOUSE OF REPRESENTATIVES,  
December 7, 1920.

Mr. BLANTON submitted the following resolution, which was referred to the Committee on Rules and ordered to be printed.

House resolution 603.

Whereas in May, 1920, one Grover Cleveland Bergdoll, theretofore convicted by Army general court-martial as a draft deserter and sentenced to confinement for five years in the United States Disciplinary Barracks at Fort Jay, N. Y., escaped from confinement, and has never been apprehended, and is still a fugitive from justice; and Whereas the Committee on Military Affairs, composed of 13 Republicans and 8 Democrats, could investigate all facts connected with the above case with very little expense to the Government, as none of the members of said committee draw any extra pay as committeemen, such committee already having a secretary and clerk paid for annually by the Government, and such committee having access to the service of committee stenographers paid for annually by the Government; and

Whereas said Committee on Military Affairs has made no investigation whatever of the disgraceful escape of this contemptible draft deserter: Therefore be it

Resolved, That the said Committee on Military Affairs of the House of Representatives be, and it is hereby, directed to investigate and procure all facts relevant to fixing responsibility for said escape and for the failure to recapture the said traitor and deserter.

That said committee shall report its findings to the House at the earliest date possible, with its recommendations.

Mr. TINCHER. Will the gentleman yield?

Mr. BLANTON. I regret I can not do so. I seem to have gotten the whole State of Kansas stirred up. I will yield to the chairman of the Rules Committee, though. Why should not this resolution of mine be passed? I want to ask the gentleman from Kansas [Mr. CAMPBELL]—

Mr. CAMPBELL of Kansas. Does the gentleman from Texas want me to answer?

Mr. BLANTON. Oh, yes; if he can; not to me, but to the country. [Laughter.]

Mr. CAMPBELL of Kansas. All right; to the country. The reason the Committee on Rules—and I assume the rest of the members of the committee took the same position I did—did not act on the gentleman's resolution was because we did not want to help the gentleman from Texas out of the hole into which he had placed himself.

Mr. BLANTON. Oh, that is camouflage; that is pure camouflage, and the gentleman knows it. He could call this Bergdoll resolution up any day he wanted to. Is the "gentleman from Texas" [Mr. BLANTON] more important to you than this big subject? [Laughter.] That is a pusillanimous kind of an answer. [Laughter.]

Now, let me show you. Every time that the gentleman from California [Mr. KAHN] has appeared upon this floor I have prodded him with the question, "When are you going to begin to investigate Bergdoll?" Let me show you some of these prodings, one from the RECORD of January 28, 1921, on page 2157:

The SPEAKER. The gentleman from California asks unanimous consent to print in the RECORD the response of the Secretary of War to the resolution adopted yesterday. Is there objection?

Mr. BLANTON. Reserving the right to object, I want to ask the distinguished gentleman from California what has become of the privileged resolution reported by the Committee on Rules last June making in order as special business of this House his resolution No. 574, to investigate the escape of Grover Cleveland Bergdoll, a millionaire slacker? That resolution has been in the pigeonhole for six months.

Mr. KAHN. Mr. Speaker, on the last day of the last session the gentleman from California tried to call up that resolution and the gentleman from Texas [Mr. BLANTON] objected. [Applause.]

Mr. BLANTON. That was because of the politics in it. I objected to the politics in it.

Mr. KAHN. There was no politics in it.

Mr. BLANTON. But the gentleman has had all this session to call it up.

Mr. KAHN. I decline to yield, Mr. Speaker.

And every time he jumped up I called attention to the fact that Mr. CAMPBELL of Kansas had in his pocket a rule that would authorize the bringing up of this matter, and he has not yet brought it up.

On February 8, 1921, on page 2799, I read:

COMMITTEE ON MILITARY AFFAIRS.

Mr. KAHN. Mr. Speaker, by direction of the Committee on Military Affairs, I ask unanimous consent for leave to that committee to sit during the sessions of the House for the remainder of this session.

The SPEAKER. The gentleman from California, by direction of the Committee on Military Affairs, asks unanimous consent that that committee may sit during the sessions of the House for the remainder of the session. Is there objection?

Mr. BLANTON. Reserving the right to object, and I shall not object, because I am glad that the Committee on Military Affairs has at last agreed to investigate Bergdoll, which it can do with nominal expense.

So I have done it every day, almost, trying to get action on this Bergdoll matter, and nothing has been done. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. EAGAN. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. DEWALT].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 10 minutes.

Mr. SLEMP. And I yield the gentleman five additional minutes.

The CHAIRMAN. And for five additional minutes, yielded by the gentleman from Virginia.

Mr. DEWALT. Mr. Chairman and gentlemen of the committee, the discourse that we have just heard, the tirade that has just been uttered, reminds me somewhat of an old Quaker in our country who was very much disgruntled with all things that happened. Approaching his wife one day, he said to her, "Ann, I believe that all the world is queer except thee and me," and then, pausing a moment, he said, "and even thou art a bit queer." [Laughter.]

It seems to me that my distinguished friend from Texas [Mr. BLANTON], by this remarkable exhibition here—and I call it remarkable, because the like of it I have not heretofore seen in the House of Representatives during my experience of six years—proceeds upon the theory that the fate of the Nation depends upon his individual efforts; that regardless of the ability of the great Committee on Military Affairs, the personnel of which I have the pleasure of knowing very intimately—I need not refer to them by name—that regardless of their patriotic sentiments and their desire to do their full duty, it devolves upon the great shoulders of this great man from Texas to save the Nation by investigating as to whether Mr. Bergdoll is an infamous slacker millionaire. [Laughter.]

Then, too, it strikes me that this great Committee on Rules, which has as its head the intimate friend of my fellow Member of Congress, this gentleman from Texas, this intimate friend that he calls upon the floor of the House "PHIL" [laughter], that even with all of his ability and with the ability of my friend FINIS GARRETT, whose ability is unquestioned and recognized by all; that even with the distinguished service of these

men upon this great committee, which controls the action of the House, it remains for my friend from Texas to take this great burden upon his shoulders and free the Nation from this infamy. God give strength to his arm! [Laughter.]

I fear very much that my distinguished friend has underestimated his ability. When he started out in this remarkable proceeding he said:

How is it possible that I, an insignificant Member from Texas, could block legislation? Am I greater than the Congress?

Ah, well might I ask—

Upon what meat doth this our Caesar feed,  
That he is grown so great?

[Laughter.]

Again I say he has underestimated his abilities in this direction, because I have in my hand here an article from the Hopkins County paper in Texas called The Hopkins County Echo. May the echo thereof never depart from the ears of the distinguished gentleman from Texas. [Laughter.] It is signed "THOMAS L. BLANTON, the Congressman of the seventeenth district," and in that, in spite of his claim for modesty now presented, he proclaims to the admiring world in Texas, and not only the admiring world there, but the plaudits of all the Nation:

Here am I, and what do I say? For three years I have been forced to remain on the floor of the House constantly to prevent this proposal from being attached as a rider upon appropriation bills. By making timely points of order I have kept it off appropriation bills, and I have kept it from coming up as a separate legislative proposition solely by threats that I would force a record vote. The fear of going upon the record has thus far held the matter in abeyance.

[Laughter.]

And yet he disclaims the ability to block legislation. [Laughter.] All of the automobiles that have ever been built, all of the powerful steam engines that ever were constructed, can be blocked by the mere word of mouth from the gentleman from Texas as he proclaims it in the Hopkins County Echo. [Laughter.]

Now, what does this amount to, my friends? Let us for a moment be a bit serious if we can. This is a direct attack presented to-day upon two of the greatest committees in the House, the Rules Committee and the Military Affairs Committee. It may be amusing—it certainly is not instructive—for the membership of this House to sit here and listen to a tirade of that kind. If these men were not honorable men, if they were not patriotic men, if they did not belong to both of these great parties, then perhaps there might be some partisan feeling in it; but when we know their patriotism, when we recognize their ability, and when we know that this complaint is made by one who avows in a public paper that he is determined to block legislation and has the ability to do it, then I say it is an affront to the dignity of the whole House and the membership thereof. [Applause.]

I do not rise to defend the membership of the Military Committee or the membership of the Rules Committee. They are well able, amply able, to take care of themselves far better than I could present any defense for them. I do not defend them, because they need no defense. [Applause.] I started out in my life with the proposition, and have tried to observe it, that every man is honest until he is proved dishonest, and with that proposition I believe that every member of the Military Committee, whether he be Republican or Democrat, is trying to do the best that in him lies for the benefit of our Nation. [Applause.] I believe every member of the Rules Committee, whether he sits on that side of the aisle or on this, is doing as he best knows how for the public weal and welfare, and I resent as a Democrat, and more than that I resent as a public man in Congress, these attacks upon the personnel of these committees and mentioning them by name. [Applause.]

I do not agree with the gentlemen on that side of the aisle in regard to matters of policy. I have been free, and I always will be free to express my honest convictions upon any public question, but as long as I have my reason I will never resort to what I call public abuse and malignity and personal prejudice in the argument of any question. [Applause.] So now I say to my distinguished friend from Texas [Mr. BLANTON], whilst I do not agree with him in this proposition, whilst I do not agree with him in the course that he has pursued in reference to this matter, whilst I believe that the record produced by the gentleman from California [Mr. KAHN] makes the gentleman from Texas a particeps criminis, if there was any neglect, because he objected when the investigation might have been had, notwithstanding that, what I have said is said more in the spirit of kindness rather than criticism or reproof. I know that perhaps my distinguished friend from Texas will differ with me in my last expression, but it is sincere. I have been with you gentlemen for six years. I think I can say, at

least I hope I can say with sincerity, that I have made many friends and no enemies. [Applause.]

I yield back the remainder of my time.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SNYDER having taken the chair as Speaker pro tempore, a message from the Senate by Mr. CROCKETT, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the message of the Senate of February 9, 1921, announcing its disagreement to the amendments of the House of Representatives to the bill (S. 4205) to amend section 4, chapter 1, of Title I of an act entitled "An act making further provision for a civil government for Alaska and for other purposes," approved June 6, 1900, as heretofore amended by section 2 of an act entitled "An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes," approved March 3, 1909, and for other purposes, and asking a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, together with the said bill and the amendment of the House of Representatives thereto.

FORTIFICATION APPROPRIATION BILL.

The committee resumed its session.

Mr. EAGAN. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. CARSS]. [Applause.]

Mr. CARSS. Mr. Chairman and gentlemen of the committee, I wish to take exception to a statement that appears on page 2876 of the Record of Wednesday, February 9. This statement was made by the gentleman from Texas [Mr. BLANTON]. I will read an excerpt from this statement:

It reminds me of a statement I heard not long ago which came directly from an engineer, to show how the people have to pay for these regulatory matters and for certain rules that both the railroads and the employees have for the operation of trains, from which the country suffers daily. The engineer stopped at a little station and found out that there was a bolt loose and lost, that had been lost out of some part of the engine. He had such a bolt in his engine cab box that cost about 8 cents that he could have put in there in three minutes and put it in good, and his engine would have been in first-class shape; but under the rules of his organization he could not touch the bolt, and he could not touch the engine. He had to stop that engine and that train full of passengers at that little station, and wire in to the next division, some thirty-odd miles, and have them send an engine and a caboose with two mechanics in it, out there for a little 8-cent bolt to put into the engine. The train was delayed four hours and a half, and that one little bolt cost the railroad company an immense amount of money, which the people have to pay in the increased tariffs.

And so on ad nauseam. Now, gentlemen, as one Member of this House who ran a locomotive and who has been a member of both the railroad organizations to which engineers belong, I resent such an attack upon these men. I want to say that the men who run the locomotives of this country are a class of men second to none in the community. [Applause.] They have in their care the lives of millions of our citizens. They have in their care goods worth literally billions of dollars every year. They have been true to the trust imposed upon them. And I want to say there is not now and never has been at any time any rule, either of the brotherhoods or of the railroad companies, which would prevent that engineer from putting that bolt in his engine. As anybody who knows anything about railroading is aware, before a man who is a fireman can be promoted to the position of engineer he must pass a rigid and thorough examination, especially on what are called breakdowns on the road. He must answer five or six hundred questions in some cases, as to what he would do if a certain thing broke down on his engine. I want to say that the enginemen of this country pride themselves on their ability to repair their engines while on the road, and it is considered a disgrace for an engineer to have to give up his train or to be towed into the terminal. I have known men to work for hours and hours and bring an engine in on one side, and sometimes on what they call one wheel, sooner than to have to give up their train.

Now, I can readily see that if something had broken on the engine which rendered it dangerous to proceed, the engineer would properly have taken the sidetrack; but in a case of this kind, where the gentleman from Texas says the engineer had a little 8-cent bolt in his box—of course I can not imagine what sensible man would provide himself with that bolt if he was not permitted to use it—he would certainly have used it to make the necessary repairs of his engine.

Mr. QUIN. I did not hear the first part of the gentleman's speech. Who was it that made the statement?

Mr. CARSS. The gentleman from Texas [Mr. BLANTON] makes the statement that he got this story from an engineer. I do not know whether it is another ghost story like the one he told recently about the Mooney case or not.

Mr. BLANTON. Will the gentleman yield?

Mr. CARSS. The gentleman is not very generous about yielding, I notice, so I decline to yield to him, as I have only five minutes.



The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. CARSS. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. McCLINTIC. Reserving the right to object, I wish to say that I have objected to the others. I want to be consistent.

Mr. SNELL. Regular order, Mr. Chairman.

Mr. BLACK. How much time does the gentleman from Minnesota want?

Mr. McCLINTIC. I will yield to the gentleman from Minnesota three minutes out of my time.

The CHAIRMAN. The gentleman from Oklahoma has not the time to yield.

Mr. EAGAN. Mr. Chairman, I yield three additional minutes to the gentleman from Minnesota.

Mr. CARSS. Mr. Chairman, I want to refute the statement that has gone abroad in the CONGRESSIONAL RECORD, which is a reflection on these men. I realize, as we all do, that no one in the House takes the gentleman from Texas very seriously, but for fear the impression might go abroad that such a rule prevails in any railroad organization I want to correct the statement now, and I challenge the gentleman from Texas to produce proof that there is or ever was any such rule. Mr. Chairman, I yield back the balance of my time. [Applause.]

Mr. EAGAN. Mr. Chairman, I yield one minute to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, I could not get time to answer the gentleman from Pennsylvania [Mr. DEWALT], but I want to say that my letter he referred to from the Hopkins County paper was my fight against the proposed salary advance for both Congressmen and Senators to \$12,000. The only difference between me and the gentleman from Pennsylvania [Mr. DEWALT] is that in the fights I have made on the floor for retrenchment I have the people of the United States with me and he has a few Congressmen with him who are still wanting to take the money out of the people's Treasury. I have got the people of Pennsylvania with me, I have got the people of Minnesota with me, I have got the people of Kansas with me, in the fights that I am trying to make here to save the people's money and keep it from being wasted. These little attacks do not hurt me; I am used to them. Every man who has ever fought for the people has been so attacked, and I do not care. I know where the people are.

Mr. SLEMP. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER. Mr. Chairman and gentlemen of the committee, I am pleased that my good friend from Minnesota [Mr. CARSS] has called attention to a statement made by the gentleman from Texas [Mr. BLANTON] which was placed in the RECORD a few days ago. At the time the gentleman from Texas made that statement he was opposing an appropriation in the deficiency bill for safety-appliance inspection of the railroads of our country.

Now, I am sure that if the gentleman from Texas had taken the trouble to look at the report filed by the chief inspector of the bureau of locomotive inspection to the Interstate Commerce Commission he would not have opposed that appropriation. I find that in 1920 there were 66 railroad employees killed and 916 injured by reason of defective equipment. In order to reinforce his opposition to that item which was carried in the appropriation bill he referred to at that time to the engineer whom the gentleman from Minnesota has just spoken about.

For a great many years it was my privilege to sit in a locomotive cab. I, for one Member of this House, can not sit still and let this statement of the gentleman from Texas go by unchallenged.

When he made the statement that the organization—and he meant by organization either the Brotherhood of Locomotive Engineers or the Brotherhood of Firemen and Engineers—that the rules of the organization would not permit the engineer to put in that little 8-cent bolt and take the train to its destination, but that he, the engineer, telegraphed to the next terminal point, 30 miles away, and called for an engine and full crew to carry two mechanics to put in the 8-cent bolt, which delayed the train four and a half hours, I am not so sure he was stating a fact.

Gentlemen, does that sound reasonable to you? I know that if there is one thing above all others that a locomotive engineer takes pride in, it is in getting his train over the road on time and bringing it into the terminal. I do not believe there has been any such rule established in any of the railroad brotherhood organizations or by any railroad company. [Applause.]

Mr. SLEMP. Mr. Chairman, I yield one hour to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Chairman, I ask unanimous consent that I may have leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. McCLINTIC. I object.

Mr. GRAHAM of Illinois. Mr. Chairman, from time to time during the present Congress various members of the select committee on expenditures in the War Department have called the attention of the House to what we considered to be matters worthy of the attention of the House and the country. That these statements thus made, together with the reports accompanying them, have had a very considerable and widespread influence upon the thought of the country I believe no one doubts. In continuance of what I believe to be the plain duty of this committee I am now again calling attention to certain conditions following the World War which are not generally understood and which call for early remedial legislation.

The particular matter I refer to is the disposition being made of materials purchased by the War Department during the war and now found to be surplus. Some of the sales of this material have been heretofore referred to on the floor by members of the committee. I now desire to call the attention of the House to further instances of such sales.

All sales of surplus have been made pursuant to the authority of a part of the military appropriations act for the fiscal year ending June, 1919, and which act authorizes the President—

“ \* \* \* through the head of any executive department, to sell, upon such terms as the head of such department shall deem expedient, to any person, partnership, association, corporation, or any other department of the Government, or to any foreign State or Government, engaged in war against any Government with which the United States is at war, any war supplies, material, and equipment, and any by-products thereof, and any building, plant or factory, acquired since April 6, 1917, including the lands upon which the plant or factory may be situated, for the production of such war supplies, materials, and equipment which, during the present emergency, may have or may hereafter be purchased, acquired or manufactured by the United States.

Claiming to proceed by authority of this act, the Director of Sales, E. C. Morse, issued on November 15, 1919, Order No. 72, which order provided, in brief, that advertisement should be made in all cases of the proposed sale, and that there should be competitive bids on the article proposed to be sold. Prior to this order the department had been operating under many other orders, issued from time to time, presumably being made by the Director of Sales on the authority of the Secretary of War. So far as the committee has been able to ascertain, the President has not, by express written order, deputized to the Secretary of War his powers given him by the act of July 9, 1918, above referred to.

After the signing of the armistice, and at various times since, much material has been declared surplus. From time to time some of it has been sold at public auction, but the greater part has been sold by negotiated sales. In these sales there has been much injustice. In many instances no attention has been paid to the rules providing for advertising and competitive bids, and often there has been no competition at all, and favored bidders have been selected at the will of the Director of Sales. However, a citation of specific instances will give the House more information than general observations.

#### OLIVE-DRAB DUCK.

A large amount of 72-inch surplus olive-drab duck was on hand at the end of the war, due to purchases far in advance of any reasonable needs of the Government. On January 12, 1920, the surplus property division sold 229,104 yards of this material at 65½ cents to one H. Miller, of 59 White Street, New York City. This duck cost \$1.938 per yard and was in its original bales. It had been selling theretofore by the Government at \$1.25 per yard. After the sale was made it was represented that when the bales were opened the material was found to be waterproof, and Col. L. M. Purcell, head of the surplus property division, at once reduced the price to 47½ cents per yard, and deducted from the purchase price \$42,440.96. Miller thereupon offered and sold this material to the public for \$1.41 per yard. This duck could have been sold readily for \$1.13 per yard, because exactly the same material was shortly thereafter sold to the Chatham Cotton Co. for that price, the purchase being 276,900 yards.

Miller is connected with both the Chatham Cotton Co. and another company called the Delphi Mills. This last company bought 278,000 yards of the same material a little while later for .9086 cents per yard. Miller's purchases have been many. Among other things he bought a considerable amount of brown

denim—the Government did not have it to deliver—he then presented a bill for \$63,312.27 damages. To settle this the Government let him have duck of a market value of \$483,761.30 for a price of \$233,754.84, or a loss of \$250,006.46. All of this was done by simple negotiation without any competition or advertising for bids.

#### MOSQUITO BARS.

An immense number of mosquito bars, made for use on cots, were on hand when the war ended. On advertisement of a million of these in February, 1920, the Berkshire Trading Co., of New York, bid from \$0.6716 to \$0.6811. Thereafter the Chief of the Surplus Property Division had all bids rejected and a fixed price of \$1 per bar made. A man by the name of Benjamin S. Falter, former chief of the C. & E. and textile sections of the Surplus Property Division, had formed the Berkshire Trading Co. above mentioned and was president of it. He had resigned from the War Department a little before this. After this fixed price was made, Falter was awarded 1,000,000 mosquito bars at the price above stated, and they were shipped to him, payment to be made in 90 days, without any bond or cash deposit, except \$9,539. Thereafter the Surplus Property Division awarded 813,943 additional mosquito bars to this company at the same price. These bars cost \$4.65 each and their replacement value at that time was \$5.257.

#### FROZEN BEEF.

An immense amount of material was retained by the War Department and not declared surplus. This has been called attention to heretofore on repeated occasions by this committee. This was for the purpose, manifestly, of keeping this material from competing with other manufactured materials coming from manufacturing interests over the country.

On June 15, 1920, there was found to be a very large quantity of frozen beef, purchased from the packers of the country, on hand and some of which had been declared surplus. This meat had been purchased from the packers at approximately 30 cents per pound.

During the year 1919 much of it was sold, from time to time, to the packers at 10½ cents per pound, after the attention of Col. A. W. Yates, Chief of the Surplus Property Division, was called to the fact that Congress had seemingly expressed its desire that goods should be sold direct to the consuming public. However, Col. Yates proceeded to sell 25,000,000 pounds of this surplus frozen beef, 15,000,000 pounds being sold to the packers at 10½ cents per pound, less 1½ per cent, and the balance being sold to the public at from 13 cents to 15 cents per pound. To illustrate the value of the meat, on March 15, 1920, 15,000,000 pounds were sold to Belgium for export at 15 cents per pound. Again, on June 10, 1920, 3,000,000 pounds were declared surplus. One-half was sold to the public for 13 cents per pound and the rest to the packers at 10½ cents per pound, less 1½ per cent. Every officer examined about this stated that it could have been sold readily to the public at from 13 cents to 15 cents per pound, and although officers were protesting against selling it to the packers, this was, nevertheless, done.

#### SHIRTING FLANNEL.

On July 8, 1920, there was found to be 2,383,445 yards of 54-inch to 56-inch shirting flannel on hand. Some had been sold theretofore to the public at from \$1.25 to \$1.50 per yard. It could hardly be purchased at any price in the stores. Without bids, immediately thereafter Col. Yates and the director of sales sold the entire amount to Sigmund Eisner, of Redbank, N. J., at \$1.10 per yard, with a discount of 10 per cent, which brought the cost price of the flannel down to 99 cents per yard. Eisner's discount alone was \$213,000. Nobody else ever had a chance to buy this material, so far as anybody knows. It could have been sold readily to the public for a much higher price.

#### GAUZE.

An immense amount of Army gauze was advertised to be sold July 19, 1920. Before the date for the receipt of bids W. B. Miller, chief of the textile branch of the Surplus Property Division, sold 250,000 yards of this to the same H. Miller mentioned in the olive-drab duck transaction at private sale, and H. Miller, before the sale, was offering to sell this material to the ones who were proposing to bid thereon. When this was called to the attention of the Chief of the Surplus Property Division by an officer, he reprimanded him and told him that the division could not afford to have these things known outside.

#### UNDERWEAR.

Two men by the names of Vanstrom and Skinner were on the board whose duty it was to award bids for surplus goods. Vanstrom was instrumental in selling 7,000,000 suits of underwear, amounting to more than \$3,000,000, by negotiated bid, without advertising and without competition, at from 40 cents to 43

cents a garment to John F. Hickey, of Philadelphia. Vanstrom resigned from the Government service on June 30, 1920, and was thereupon employed by Hickey. After this purchase the buyer put in a claim that the material was stained and that he ought to be given the garments for 23½ cents apiece. This claim was allowed and no investigation was permitted as to the true condition of the articles until after the claim was allowed and paid.

#### LUMBER.

An immense amount of hard-pine, hemlock, spruce, and fir lumber was on hand at the end of the war, estimated at about 188,000,000 feet. The Director of Sales, on February 25, 1919, sold all surplus lumber to J. L. Phillips and John Stephens, of Jacksonville, Fla., duly authorized representatives of the National Bureau of Wholesale Lumber Distributors, the National Retail Lumber Dealers' Association, the West Coast Lumber Association, the Central Pennsylvania Lumber Co., the Southern Pine Association, the Georgia-Florida Sawmill Association, and the North Carolina Pine Association. All costs of handling, loading, and so forth, were to be paid by the United States. The base prices were to be fixed from time to time by a representative of the Government and a representative of the purchaser, and when this base price was fixed the purchasers were to have 12 per cent off the base prices.

As soon as the armistice was signed they fixed the base prices on No. 2 hard pine at from \$9 to \$25 per thousand feet; spruce, \$23 to \$30; hemlock, \$9 to \$25; and fir from \$9 to \$25 per thousand feet. The same lumber on the New York market at that time was worth—

Hard pine	.....	\$35.50 to \$37.50
Spruce	.....	41.00 to 58.00
Hemlock	.....	37.50 to 39.50
Fir	.....	49.50 to 51.50

Absolutely no reason appears anywhere why this sale, when the country was suffering for lumber, was made at such remarkable figures.

One hundred and twenty-four million feet approximately of this lumber was withdrawn from the sale by the construction division and has all been used by them except about 3,000,000 feet. In other words, since the armistice the construction division of the Army has used approximately 121,000,000 feet of lumber.

The buildings at Camp Benning, Ga., it appears, have been almost completely constructed out of this lumber.

#### SUGAR.

Under the Federal fuel administration act a subordinate body was constituted, called the Sugar Equalization Board. Under an agreement in October, 1918, between the Cuban sugar producers and the Sugar Equalization Board of the United States an agreement was made in writing by which the Cuban crop for that year, about 4,000,000 long tons, was purchased by the United States.

Thereafter, by international agreement the United States Sugar Equalization Board caused about one-third of this sugar to be sent to the nations associated with us in the war, leaving us approximately 2,555,000 long tons. This was principally delivered in March, April, and May, 1919.

On or about the 31st day of December, 1919, the Sugar Equalization Board ceased to function as such.

On July 31, 1919, Mr. E. C. Morse, Director of Sales, addressed a letter to Mr. Crowell, First Assistant Secretary of War, in which he represented that the reserve supply of sugar for the Army—a supply for 300,000 men for six months—ought to be cut to a three months' supply, and the balance turned over to the Sugar Equalization Board for distribution. Maj. Gen. Rogers, of the Quartermaster Corps, strongly protested and insisted that there was no surplus sugar in the War Department. However, Mr. Crowell made the order for the transfer.

The War Department had paid 8.79 cents per pound for its sugar. From August to October, 1919, the War Department turned over 46,000,000 pounds of refined sugar to the Sugar Equalization Board at 8.79 cents per pound. This board at once distributed it through the country, the great bulk of it going to candy makers, sirup makers, canners, and wholesale grocers, who took it at 8.79 cents per pound.

You remember the sugar rationing in the fall and winter of 1919. Thousands of families for weeks at the time were unable to get sugar at all, and there was practically no family fruit canning. Sugar prices rose to the sky, together with candy, sirup, and preserved goods. Many of those who were purchasing sugar from the War Department at 8.79 cents per pound were charging vastly increased prices because of their claim that sugar had gone up.

During this same fiscal year, and to supply the needs of the Army, Gen. Rogers was forced to go upon the market and buy 14,275,800 pounds of refined sugar, for which there was paid



an average price per pound of 15.08 cents, and 22,333,699 pounds of raw sugar, which cost 14.4 cents per pound. By this one transaction there was taken from the purse of the public the sum of \$2,162,929, which was deliberately given to the candy makers, canners, and wholesale grocers of the country by the Sugar Equalization Board and Mr. E. C. Morse, Director of Sales.

## TOBACCO.

On the signing of the armistice there was a vast quantity of all kinds of tobacco in the hands of the War Department. During the war the War Department took over almost the entire production of tobacco from the manufacturers.

Among other tobaccos declared surplus were 220,530,000 Camel cigarettes. These were made by and purchased from the J. Reynolds Tobacco Co., of Winston-Salem, N. C. Of these, 180,000,000 were sold back to the maker at the price said to be paid by the Government for them, in the fall of 1919, at prices ranging from \$0.0576 to \$0.065 per package, in bond. The internal-revenue tax on these packages was at those times 6 cents per package of 20, thus bringing the average price of these cigarettes, stamped, to 12 cents a 20 package.

After making this sale, beginning early in 1920, the Quartermaster Department began to purchase Camel cigarettes from the Reynolds Co., and in all bought 2,515,350 packages, or \$346,088.29 worth, for which they paid an average of about \$0.14278 a 20-package. For such of these as were sent across the seas to our soldiers we paid a tribute to the Reynolds Co. from our Treasury of approximately 2½ cents a package; for such as were kept in this country and sold to the soldiers each soldier, when he bought a package, paid 2½ cents to the Reynolds Co., which the Government could have saved him, but which went to swell the profits of the Reynolds Co. Aside from this, the 20-package of Camel cigarettes were then being sold to retailers at 16 cents each.

There were also large quantities of smoking tobacco, among others Velvet tobacco, made by Liggett & Myer Tobacco Co., of St. Louis, of which there was a declared surplus of 7,818,913 tins, almost all of the 2-ounce size. These cost the Government in bond \$0.0865 per tin.

The officers called swore this tobacco would deteriorate and was "off" when examined by them. From February 5, 1920, until January 19, 1921, none of this tobacco, which was said to be deteriorating, is shown to have been sold. As a matter of fact, in March, 1920, all this tobacco was sold to B. F. Falter, for the Berkshire Trading Co., of New York, for 9 cents a tin. In the fall the Surplus Property Division permitted this man Falter to cancel his purchase and then, January 19, 1921, sold 6,180,987 2-ounce tins of it to some speculators in New York for \$0.0275 a tin. This same tobacco retails at 15 cents a package and its wholesale price is 13½ cents. No doubt this same tobacco is now being consumed by the American public at 15 cents a package.

## LEATHER.

On account of widespread complaints, an extensive investigation of leather purchases during the war and sales after the war was undertaken by the select committee. In no other part of the postwar practices of the War Department that I have had brought to my attention was there such an apparent abuse of power and evasion of existing law as in the purchase and sale of our leather supplies.

I have heretofore called the attention of the House to the excessive purchases of leather goods during the war in an address I delivered here on June 1, 1920. In that address I called attention to the fact that we had purchased and received among other things 500,326 double sets of harness, 110,828 single sets of harness, 945,000 saddles, 2,850,833 halters, and 585,615 saddlebags.

It was testified by the officers in charge of the buying end of the leather business in the War Department that purchases were so excessive as to be beyond reason, and that if all the leather and leather goods were purchased that were authorized in 1918 all the hides of the country for that year would have been taken and 300,000 more. As it was, the civilian population went on 30 per cent of the country's production for that year.

I have no hesitancy in charging, expressly and explicitly now, that the whole leather situation during the war and up to the present time has been in the control of the whole or a part of the leather makers, tanners, and harness makers of the United States. Mr. Julius Rosenwald, of Sears, Roebuck & Co., was put in charge of raw material by the Advisory Commission of the Council of National Defense, and early in the war called in the leather men and made committees of them under him. Among these various committeemen one, Maj. Joseph C. Byron, an extensive tanner from Williamsport, Pa., was made chair-

man of the cooperative committee on leather equipment. Afterwards, when these committees were changed to committees under the War Industries Board, Maj. Byron was still continued.

The prices of the various manufactured articles made of leather during the war were fixed by agents of the Council of National Defense and the War Industries Board, and Maj. J. C. Byron was the agent of the War Department in fixing these prices throughout the entire war. At about the same time Maj. Byron came into the service a man by the name of George B. Goetz, of A. D. Goetz & Co., Ranson, W. Va., harness makers, came into the War Department, was made a captain, and was placed in charge of purchasing leather goods. From that time until the end of the war Capt.—afterwards made colonel—Goetz made all the contracts for the purchase of leather goods of all kinds, except on one occasion when he was temporarily absent, and in which instance Capt. Azel F. Cochran took his place and did the purchasing until his return.

Goetz was vice president of the A. D. Goetz & Co., harness makers, during all the time of his service in the Army and drew a salary of \$100 a month from his company throughout the entire period, at the same time drawing his salary as an officer in the United States Army. Goetz called Henry W. Benke, another harness manufacturer, into the War Department and had a captain's commission issued to him. During the war he—Benke—was promoted to a majority, worked under Col. Goetz, and was in charge of the inspection of leather purchased for the use of the Army. Cochran bought for the Ordnance Department until this was consolidated with the Quartermaster's Department, when he assisted Col. Goetz in the purchases. It will thus be seen that the control of the price fixing, purchase, and inspection of all leather goods was under the direct control of Byron, Goetz, Benke, and Cochran during the war. They bought everything to excess. Requisitions were issued for harness in unbelievable quantities and much of this material ordered was never used. For example, take the harness called the "H. T. G." harness. On February 21, 1918, a cablegram was sent from the American Expeditionary Forces asking that the British artillery harness be copied, as it was better adapted for our use. Thereupon large orders were placed for this kind of harness. It was a breast-collar harness. I have a set of it in the lobby which the Members may examine if desired. There were, approximately, 80,000 single sets of this harness made; for each set of lead harness the Government paid \$30.03 and \$30.52 for wheel harness. So far as I know there was never a set of it used. None of it was sent to the American Expeditionary Forces and, since the armistice was signed, it was abandoned and declared surplus.

I understand this type of harness is now used by the British armies for almost all purposes, and no reason has been given as to why it is not adaptable for American purposes except that somebody, who has the decision of the matter, does not like it. Within the last few days 62,000 double sets of this harness have been sold to the company at a minimum price of \$5.21 and \$4.59 a double set.

Eight or ten different types of harness were purchased during the war by these gentlemen; everything from heavy artillery to surrey harness, to haul the officers' carriages. Orders were placed wherever the particular purchasing officer desired, without competition, without bids, and without advertising.

Among other people from whom Col. Goetz purchased, he placed orders with his own house for approximately half a million dollars' worth of harness and leather goods. The correspondence shows he was transacting much of this business himself. In some cases he inspected the goods; in most cases the orders were signed by some one under his control, but in one instance which the committee found he signed the order himself to his own house.

There has been called to my attention, and very properly so, by the gentleman from Illinois [Mr. McKENZIE] that there were requisitions made from time to time by the department of requirements on the purchasing officers for the purchase of harness and that the requisitioning of this was done by another department. The purchasing was done by Col. Goetz, as I have already detailed. I have noted that in one instance the committee found an order signed by Col. Goetz, in his own name as an officer of the War Department, for his own firm. This transaction of business by any officer in the War Department with his own firm has been a stench throughout all this war, and it is in plain violation of the law of the land. The law is plain. It is as follows:

SEC. 41. No officer or agent of any corporation, joint-stock company, or association, and no member or agent of any firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation, joint-stock company, association, or firm, shall be employed or shall act as an officer or agent of the United States for the trans-

action of business with such corporation, joint-stock company, association, or firm. Whoever shall violate the provision of this section shall be fined not more than \$2,000 and imprisoned not more than two years. (Sec. 41, Criminal Code, 35 Stat. L., Military Laws of the United States, p. 461.)

I state now without reservation and without fear of successful contradiction that Col. George B. Goetz violated this law on dozens of occasions, and that, in my judgment, prosecution can be successfully maintained against him under this statute. His superior officers knew this; the Secretary of War must have known it, yet no one gave it the slightest attention, nor have they done so up to this time, although the Secretary of War has full knowledge of the situation.

During the war the leather trade—that is, the manufacturers and the tanners—were represented by a few individuals, and their functions were consolidated so that the Government dealt with just a few men, who represented the Tanners' Council and various cooperative committees of the leather manufacturers.

Immediately upon the signing of the armistice Maj. Byron was made chairman of the War Claims Board, dealing with the settlement of the leather contracts. Col. Goetz was made a member of this board, as well as Capt. Benke. Capt. Cochran retired from the service some time in the early part of 1919.

From that time forward practically all settlements made with the leather manufacturers were made by Byron, Goetz, and Benke. These men called four meetings of the leather manufacturers and tanners between the time of the signing of the armistice and the final consummation of the sale of this surplus leather goods. The first meeting was at the office of Maj. Byron, in the War Department, on Monday, December 23, 1918. In 1919 another meeting was held at Chicago; another in Atlantic City in the latter part of July, 1920; and finally another meeting on September 14, 1920, at the Auditorium Hotel, Chicago. Goetz, Byron, and Benke were present at all of these meetings, and at all of them the question of the disposition to be made of the surplus leather goods was discussed. It will be remembered that during this time these three men were members of the claims board and had nothing to do with the sale of the leather goods, this being ordinarily done by the Surplus Property Division, an entirely distinct division. However, they attended these meetings and had charge of them. At these meetings discussions were had and plans proposed as to what should be done with this harness, so that it might not come into the market in competition with the product of the manufacturers. Various plans were proposed at these meetings—first, to ship it to foreign countries and sell it there, and as a result of this the War Department instructed all our military attachés at various places to try to sell the harness in foreign countries for what they could get for it. However, it was found it could not be sold any place. Then these men, meeting in convention, concluded that the leather goods ought to be put away and kept until the next war.

At all of these meetings Goetz and Byron indicated that they did not desire to have the stuff come onto the market in competition with the product of the manufacturers. To illustrate this, at the Chicago meeting in September, 1920, Maj. Byron said:

I have been very much disturbed for the past year and a half in Washington that some speculator should get hold of this material, the way they have of other materials, and go and dump it in some one man's territory, maybe ruin his business for five years, so that what we are aiming to do is to pass this back to the consumer, as far as possible, through the trade, having in view the expense of marketing and the return to the Government, and having in view also as little injury as possible to the manufacturer who is in this line; and, another thing, to spread it thin over the country; not dump it all in one man's territory. \* \* \* The object, I think, is to spread it thin.

Very little of the harness was sold. Mr. E. C. Morse was then Director of Sales. There is no doubt in my mind but that Mr. Morse was acting in conjunction with Byron and Goetz in these matters. Such sales as were permitted were in odd lots, so that no one cared to bid. No real effort was made to sell any of this material until the spring of 1920, when five sales campaigns were conducted and where hundreds of bids were taken for small amounts of the goods in question, many higher than the amounts finally received, and which were rejected. No real effort to sell was made during this time. As a matter of fact, Mr. E. C. Morse was evidently leading up to the final sale of this property to Goetz and Byron, because on March 12, 1920, in a memorandum to the Assistant Secretary of War he said this:

8. The problems facing the sales department in connection with harness are—

First, to dispose of, approximately, 175,000 sets of breast-collar harness, with component parts representing in the neighborhood of 70,000 more sets; and, second, the disposal of 75,000 McClellan saddles. I did not expect that we would be able to move this material by any regular method of sale, but I did think it advisable to try this method to build up our case (p. 4891).

Maj. Watts and Capt. Bosson, officers in charge of the Surplus Property Division, who were authorized to sell this property, whenever they tried to sell anything found constant opposition from Col. Goetz and Maj. Byron, who were on the Claims Board. These two worthies secured a muddy set of the artillery harness in question, brought it to Washington, and exhibited it to prospective bidders as a sample of the harness, and circulated reports in every possible way that the harness was of no value.

In the spring of 1920 Col. Goetz and Capt. Benke went to Rock Island, Ill., where there was the largest and best harness shop in the world in the Government arsenal, for the purpose of taking some of the machinery out of the arsenal to convert it for use in vocational training. Who sent them, members of the Claims Board, on this mission, no one knows. In the spring of 1920 the Secretary of War issued an order to dismantle the leather shop in the Rock Island Arsenal and remove it at once. One hundred and six carloads were taken out of this arsenal and not more than 10 per cent of it has ever been set up at Jeffersonville, Ind., where it was supposed to be taken. To-day there is not a leather working arsenal in the United States where this harness, or any other harness in any considerable amount, can be changed. The Secretary of War was so fearful that some congressional action might stop it that an immense force of men was put on at the Rock Island Arsenal, who worked day and night to get this done in order to avoid any congressional restriction.

After all this was done Goetz, Byron, and Benke made their final preparations for the contract they ultimately obtained. As early as May, 1920, they were talking with Mr. Morse about buying all the surplus leather goods. The harness manufacturers and tanners of the country thought that this material would not come onto the market. Lulled to security by what Byron and Goetz had told them, matters drifted along until September 3, 1920, when, without advertising and without bids, the Director of Sales, Morse, gave Goetz, Byron, Benke, and Cochran an option on all surplus leather goods of the Government. Before that time Mr. Morse had issued an order, in the name of the Secretary of War, that no option could be given, and yet in this instance he himself gave a written option. The next day, September 4, after the option was signed Col. Goetz retired from the Army, and later, in the fall, Benke also retired. A corporation was at once formed, known as the United States Harness Co., the details of which had been tentatively arranged before securing this option. The four officers of this corporation, which has a capital stock of \$300,000, are Goetz, Byron, Benke, and Cochran, each of whom receive a salary of \$25,000 a year. Seventeen harness firms in the United States each bought \$10,000 worth of stock, Goetz, Byron, Benke, and Cochran taking the other \$130,000.

The amount of surplus leather goods included in this contract ranges in estimate from \$27,000,000 to \$150,000,000. In February, 1919, Col. Goetz himself estimated this surplus leather goods at \$150,000,000. How much of it there is no one knows.

The contract with the United States Harness Co. includes all surplus already declared and all future surplus. By this contract a minimum price is fixed on artillery harness, 1916 model, and H. T. G. harness, the minimum for artillery being \$14.60 for a double set of wheel, and \$12.80 for a double set of lead, K. C. grade. This harness cost the Government \$226 a double set for wheel and \$170 for lead. I have a set of it here which may be inspected. Each double set comprises 2 McClellan saddles, 1 saddle bag, 1 riding whip, 2 blankets, 2 halters, a rope lead, 2 bridle and 2 choke straps, 2 breast collars and neck straps, 4 cable traces, 2 turnbacks and hips, and four 22-inch hook and ring chains.

The company is to remake such of this harness as needs remaking and then sell it. The Government is to have 60 per cent of the gross receipts and the company 40 per cent. Wherever the 60 per cent falls below the minimum price the minimum price must be paid.

In explaining the large expense that the company would be put to to remake this harness Col. Goetz stated that the hames for the new harness would cost them \$4.50 per pair. However, it afterwards developed that Mr. Morse, Director of Sales, had offered them 11,000 pairs of hames which the War Department had at 25 cents per pair, which were very promptly accepted.

There is no doubt in any reasonable man's mind but that the stockholders of the United States Harness Co. will make millions of dollars profits by the contract they have made. It is apparent to any unprejudiced person that there was a concerted plan from the beginning to so manipulate the surplus leather matters that finally these four men who knew more



about the harness and leather situation than anyone else in the Army might get the benefits when it was disposed of. They were the men who fixed the prices on it in the first place, who bought excessive quantities of it, and who had all the information there was about its quantity and quality.

The evidence indicated that, at Government expense, Goetz and Byron had traveled about the country while members of the Claims Board and with no real authority to do so, and thus had obtained an intimate and complete knowledge of the exact whereabouts, condition, and value of all the leather goods in the possession of the Government, leading the leather manufacturers and tanners of the country to believe that they intended to keep it off the market for two years at least. But little was done. Then suddenly they take over this material which they had dealt with as officers in the United States Army, greatly to the surprise and consternation of the remainder of the leather manufacturers and tanners of the country, and now are in entire control of the situation, with immense profits in sight.

I do not defend the attitude of the harness manufacturers and tanners of the country. Their only interest seems to have been to protect themselves from competition in the market and to keep the prices up. I have the most supreme contempt for that sort of a patriot. [Applause.]

I state now and charge publicly that in my opinion the acts of Goetz, Byron, Benke, and Cochran were not only a breach of faith with the Government, whose uniform they wore, but, in my judgment, constituted a criminal conspiracy to enrich themselves at the expense of the Government. It has been said that the contract with the United States Harness Co. presents the opportunity for the Government to obtain the largest possible return from its surplus leather goods. It may be that this is true, although personally I do not think so. In three months alone they made about \$250,000 on this contract. Forty per cent of \$27,000,000 is \$10,800,000. The War Department for two years has apparently attempted to detract from the possibility of selling this material through the War Department. The Government has wrecked the only Government shop in the United States where the harness might have been converted. Immediately after the armistice this mass of harness, if known to be surplus, ought to have been sent to the working arsenals of the United States and there converted into something that was salable. But this was not done; instead the arsenal was wrecked. So I say it may be that if this contract is honestly executed the Government returns may be greater than any other present possible method. Irrespective of this, however, I desire to challenge the attention of the Members of this House to the fact that on grounds of public policy such contracts as this ought not to be executed. If it is possible for men in the employ of the United States, especially if they be officers in the Military Department, to have constantly before their eyes the possibilities of leaving the service and acquiring great gains from the purchases of materials with which they had had to deal, there is constantly before the eyes of every man in the public service the temptation to be dishonest to his employer, the people of the United States. It can not be too strongly condemned. It ought to be against the law. In my State it is against the statutory law for even a school-teacher to sell a box of chalk to his district, so careful have our people been about putting temptation before the eyes of the public officials.

I make the following observations as to remedies I would suggest to put an end to practices such as I have been detailing:

First. A law should be enacted making it illegal for any former officer, enlisted man, or employee of the Army, Navy, or Marine Corps to purchase any surplus material from the Government within two years from the time of his leaving the service, except such purchases as are made from retail stores and commissaries.

Second. The provisions of the military appropriations act for the fiscal year ending June 30, 1919, giving the President power to sell surplus property should be either repealed or so modified as to make proper provision providing for the prompt declaration of surplus and for advertising and public bidding on sales of such property.

I will say here that I have no doubt, nor have I seen anyone who has any doubt, that there is over a billion dollars' worth of surplus in the War Department that has not yet been declared. There is enough surplus goods in the War Department now to pay the soldiers' bonus that we have been talking about for some time, if it was properly administered as such.

In these later days much has been said about "water that has gone over the wheel." Such talk is folly. If a man rob another and spend the money, do you say "the water has gone

over the wheel"? If a man kills another, shall we say "the man is dead, and therefore why talk about it now"? However, it will be remembered that these things I have been telling you are not "water over the wheel." The water is going over now. I have no hesitancy in saying that more out and out rascality has occurred in our Government since the war than ever occurred while it was on. I can overlook much that happened during the bustle and rush of war. We ought to overlook much, but I have no atom of sympathy for the thief or grafter who plies his trade when the war is over, nor have I any more sympathy in my heart for the public official who will permit him to do it without any attempt to stay his hand. [Applause.]

When the guns of a hostile fleet are reaching out their targets it is good strategy to throw overboard some smoke boxes and behind the smoke screen thus created flee to safety. Thus it has been lately. The carefully staged performance recently brought to our attention, where one high in the councils of this administration struts and swears, and swears and struts, and throws about the miserable grafter and incompetent official the sheltering mantle of the glorious deeds of our boys across the seas is to this end. The captious heckling from our Democratic brethren about the payment of certain bills is for the same purpose. I charge you, my colleagues, that behind this screen there are thieves and grafters going unwhipped of justice and pillaging the Public Treasury. [Applause.]

Mr. FESS. Mr. Chairman, will the gentleman yield there?  
Mr. GRAHAM of Illinois. I yield to the gentleman from Ohio.

Mr. FESS. Do not the hearings disclose the fact that there was a protest on the part of some one in the War Department—I mean in the Army—against this leather contract sent directly to the Secretary of War, Mr. Baker?

Mr. GRAHAM of Illinois. I say to the gentleman from Ohio that two officers who protested were summarily dismissed from the service for making the protest about this contract. I do not have much use for some of those who are trying to break it, but I tell you that this contract and the principle in it is bad.

During the delivery of Mr. GRAHAM's remarks the following occurred:

Mr. KING. Mr. Chairman, I think there ought to be a quorum present to hear this, and I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] Eighty-two gentlemen are present, not a quorum.

Mr. SLEMP. Mr. Chairman, I move that the committee do now rise, and on that I demand tellers.

Tellers were ordered; and the Chair appointed Mr. SLEMP and Mr. McCLINTIC to act as tellers.

The committee divided; and the tellers reported—ayes 1, noes 100.

So the committee refused to rise.

The CHAIRMAN. The count of the tellers discloses a quorum is present.

Mr. GRAHAM of Illinois then concluded his remarks.

Mr. EAGAN. Mr. Chairman, I yield 15 minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, I rise to call the attention of the committee to a bill reported by the Committee on Interstate and Foreign Commerce with amendments, which I deem of great importance to the people of our country. I speak of no less a measure than the bill, commonly known as the maternity and infancy bill, recently passed by the Senate and now on the Unanimous Consent Calendar of the House.

It is a bill destined for the public protection of maternity and infancy, providing a method of cooperation between the Government of the United States and the several States. It appropriates \$480,000, of which \$10,000 shall be paid annually to each State in the manner provided. There is also an additional sum of \$1,000,000 appropriated for the fiscal year ending June 30, 1922, and annually thereafter a sum not to exceed \$1,480,000. The additional appropriation to be apportioned among the States in the proportion their population bears to the total population of the United States. No State shall be entitled to its allotment of the additional appropriation until it has appropriated an equal sum for the maintenance of the services and facilities provided under the bill. It establishes no new machinery for carrying on the work provided under the bill, but utilizes the Children's Bureau now established for work of a similar nature.

The bill stipulates that the Children's Bureau shall have charge of all matters concerning the administration of this act, and shall cooperate with the State agencies authorized to carry

out the provisions thereof. It shall likewise make or cause to be made investigations and reports to promote its efficient administration. The separate States are free to carry out their approved plans without interference from the Federal Board. The Federal Government does not act nor propose to embark on a medical or surgical campaign, but to stimulate, guide, and make accessible instructions and care to all mothers and infants.

The service is in no sense compulsory upon the mother, she being at liberty to avail herself of the opportunity or not as she deems proper. The State may or may not, as it thinks proper, avail itself of the opportunity afforded by this bill, but to secure the benefits of the appropriations it shall accept the provisions of the act and designate or authorize the creation of a State agency with which the Children's Bureau shall have all necessary power to cooperate in the administration of the same. Not more than 5 per cent of the appropriation shall be used any fiscal year by the Children's Bureau in administering this law, which shall be deducted from the appropriation before distribution.

Each State before it can avail itself of the benefits of the act shall by its agency submit to the Children's Bureau detailed plans for carrying out its terms, which shall include the provisions to be made by the State for the administration of the act, the provision for instruction in the hygiene of maternity and infancy through public-health nurses, consultation centers, and other suitable measures. The facilities provided by any State agency cooperating under this act shall be available for all the residents of the State.

You will note from the cursory remarks I have made upon the provisions of the bill that it in no wise provides for the embarkation of the National Government upon these matters in the various States, but provides for funds to be duplicated by the States, and leaves it to the States to carry out the work therein.

#### NEED OF SUCH LEGISLATION.

That there is a vast need for such legislation and for such an appropriation was clearly demonstrated by facts brought out during the war, which revealed that of the 15 so-called civilized countries, the United States ranked next to bottom in maternity and infancy care, Spain alone having a greater per cent of maternity mortality—a situation which is certainly not creditable to a nation of such vast resources and population, to one which has done so much for the entire world, and is looked to by all the countries for guidance and assistance. In the year 1918, 23,000 mothers died in the United States from childbirth and causes directly attributable to childbirth—a startling statement, but true. A more startling one, however, is that in the United States we lose more than 250,000 infants every year—a total in excess of three times the number of men killed and wounded in our participation of the World War.

When the draft for the World War was taken in the United States, facts revealed by the examinations at that time showed that one-half of the young men of the country were not physically fit for military service, and physicians have told us that out of this vast number of unfit men a very large percentage could have been sound, well, and capable of military service had there been proper care given at the time of their birth. It is a fact too well known to need repetition that a very large percentage of blindness in the United States could have been prevented by proper care at birth.

When we realize this state of affairs we can readily see that the time has certainly arrived when every facility should be afforded to assist the mothers and the babies of the land, and to give them a chance to live and be well during the coming years. This is not a mere dream, nor an untried proposition, nor is it new to those who have made a study of the subject. A similar plan is now in practical operation in England where they have cut their maternity and infancy mortality rate to less than half of that prevailing in the United States, and this despite the disadvantages of war conditions. Work of this nature is also in practice in Australia and New Zealand, which countries have been able to reduce mortality rating to the lowest in the world.

In New York City where surveys have been made it is shown that where prenatal and maternity care have been given through the Milk Station Association the mortality has been cut from 5 per cent of every 1,000 to 1.5 per cent out of every 1,000, nearly one-fourth of the original rate, and this by an association with limited means.

The great necessity for such provision can be well seen when we realize that the number of men studying medicine by virtue of the very high standard now required has greatly decreased in the last 10 years, and many sections of the country districts are practically without medical provision. Statistics gathered by the Children's Bureau show that in some rural sections 80

per cent of the mothers receive neither prenatal care nor advice or trained care during confinement. This problem is not peculiar to any section of our Nation, but is general. Federal action is urgently needed and this bill offers a method of practical cooperation between the Federal Government and the States, and while it carries an appropriation, though small, it is but a stimulant from the National Government, and leaves the entire work to the State agencies wholly under the control of the State Government.

#### SYSTEM NOT NEW.

The system is not new, as the method is already successfully operating in promoting agricultural work, vocational education, and the building of good roads, all of which have been highly agreeable to the people of the land and have accomplished a vast amount of beneficial work in their respective lines. When we realize that the amount of money expended upon the problems of women and children is almost nothing, we can readily believe it is about time we provide at least a system by which they can obtain relief, if they so desire. The percentage expended on the problems of women and children amounts to 5.5/1000 of 1 per cent. Think of that almost infinitesimal figure compared with other appropriations.

The operation, as I have said, is placed under the Children's Bureau, which has the confidence of the women throughout the United States, and under its administration the work will no doubt be handled as a department of primary importance and not as an additional health problem. Now is the accepted time for this bill to be incorporated into law. Some 40 State legislatures are now in session, or will soon be in session, and by the prompt passage of this bill the work will be promoted two years to what it otherwise would be, as many of the legislatures will not meet again for another two years, and the bill can not go into effect without State appropriations duplicating those of the National Government.

I sincerely hope that the membership of this House will scrutinize and study the terms of this bill, will seek information upon the status of maternity and infancy cases, and when you have made a study of this subject I feel assured there can be no objection to the passage of a measure which means so much to the women and babies of the country.

The gentleman from Mississippi [Mr. Sisson] informed us a few days ago that more than 80 per cent of our revenue went for war purposes.

We have appropriated more than \$750,000,000 to the Army and Navy, and to-day are about to appropriate around \$8,000,000 for fortifications. What is it all worth without man power back of it?

The chairman of the Appropriations Committee, Mr. Goon, recently informed us that the United States national wealth is estimated at \$240,000,000,000, and that its national debt represents 10 per cent of that wealth; that Great Britain had a national wealth of \$69,000,000,000, with a national debt of 60 per cent thereof.

Can we not upon the face of these figures grant to the mothers and infants of the land at least the same resources and protection that Great Britain, with scarcely more than one-fourth of our national wealth, grants to her subjects?

We have appropriated for practically all the needs of the country, provided for a great Navy program and a sufficiently large Army. Vast appropriations have been made for agricultural purposes and numerous other matters. Is it not high time and should not this session of Congress grant quick action on this bill by its passage before the adjournment of the Sixty-sixth Congress? [Applause.]

Mr. EAGAN. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Chairman, I picked up from my desk last night a bulletin which is issued each month by the National City Bank, of New York City, dealing with economic and business conditions, and I see in one of its columns a statement of the declines in commodity prices which have taken place as to certain commodities during 1920. Cotton has declined 62½ per cent; wool, scoured, 56.55 per cent; hides, 52½ per cent; wheat, 20 per cent; corn, 53 per cent; rice, 58 per cent; steers, 38 per cent; hogs, 33½ per cent; pork 38½ per cent; and lard, 47 per cent.

Most of these products which I have enumerated are products of the farm.

Studying this column of figures in the bulletin which I have before me still further, I see that steel billets have only declined 9½ per cent, that pig iron has only declined 8½ per cent, and that bituminous coal increased, in 1920, 60 per cent, although I understand there has been some small decline from this high figure since January 1, 1921. Now, in the debate on the general deficiency bill last week, I made some remarks in which I endeav-



ored to point out that freight and passenger rates must be revised downward. In those remarks I stated it was quite evident that before transportation cost could come down that the operating expenses of the railroads must be reduced, and that the three principal items of operating costs are wages, steel, and coal. Recently Judge Gary has come out in a statement in which he says that there will be no reduction in the price of steel, and in that statement, among other things, he has this to say:

It seems to me—

He continued—

that any manufacturer of steel who contemplates reducing steel prices below the basis fixed by the industrial board in 1919 must have in mind the intention of reducing wages correspondingly, thereby charging the difference to the working people. If so, the manufacturer is wrong and unfair, unless, of course, the present selling prices are higher than they ought to be, which would be unfair to the consumers, or wage rates are higher than they should be.

Now, gentlemen, I think that a study of the profit sheet of the United States Steel Corporation for 1920 and the years shortly preceding it will convince us that the price of steel to the consumer, to quote Judge Gary's words, "is higher than it ought to be" and can be reduced to the American people to a substantial extent without a reduction of wages. Now, let us see what such a statement shows, and I will quote the figures only in round numbers: In 1914 the United States Steel Corporation had net earnings of \$71,000,000. In 1915, \$130,000,000; in 1916, \$333,000,000; in 1917, \$295,000,000; in 1918, \$199,000,000; in 1919, \$143,000,000; in 1920, judging by the statement of the three quarters which I have seen, will be \$181,000,000, as against \$71,000,000 in 1914; and yet Judge Gary, the chairman of the board of directors of the Steel Corporation, says that the American public need not expect any reduction in the price of steel unless the wages of employees are reduced. But whether that is true or not, the fact remains that there must be some reduction in steel to the American public. The trouble with some of these large industries is this: They are wanting to keep their scale of profits on the high, inflated basis of the war period, and unless they are willing to set their own houses in order and put their earnings at a more moderate rate it seems to me that Congress, as reluctant as we may be to go into the subject of regulation, will have to do something to relieve the situation. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. EAGAN. I yield two additional minutes to the gentleman.

Mr. BLACK. I contend that the attitude of some of the highly organized labor and some of the highly organized industries can not be maintained. I submit that we have no right to expect that the agricultural interests and the farming interests of the Nation shall bear all the burdens of readjustment. [Applause.] There may be interests that are perfectly willing that they shall do so, but, regardless of how willing some might be that it be done, the force of economic law would prevent such a program being carried out.

But it seems to me that it would be the better part of wisdom on the part of these highly organized industries and their employees to take into account the situation that does exist and bring their prices appreciably in conformity to the general prices of the country, rather than to let the iron law of necessity compel it. There may be some portions of organized capital and some of organized labor who will maintain a belligerent attitude and say they will take no reduction in dividends and no reduction in wages, but in due time economic law will get in its work and will compel them to be brought into comparable balance with the rest of the country. I do not want to see capital earn less than a fair and reasonable dividend, based on an honest valuation, nor do I want to see labor earn less than a living wage, but to say that does not mean that I approve the effort to maintain the present inequitable situation which exists as to some strongly entrenched industries. If capital and labor will both make the necessary concessions, a great deal of unemployment and hardship can be avoided and both parties will be rewarded by the exercise of such good wisdom.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EAGAN. I yield to the gentleman one minute more.

Mr. BLACK. It has been very well said: "We can not look for a restoration of full employment and prosperity until something like the old balance between agriculture and the other industries has been restored." When a pound of cotton and a bushel of wheat and a pound of pork and a pound of wool will buy measurably as much of goods in the stores as they would buy in 1919 and 1920, and will buy as much transportation as they bought then, the farmer will be able to resume his position in the trading circle; not before. And until the farmer can

resume his position in the trading circle we will not have general prosperity and a full restoration of employment.

In conclusion let me stress that the lowering of railroad rates is of the utmost importance to the restoration of prosperity to the agricultural and live-stock interests in particular and the public in general. The cost of transportation is out of all proportion to the prices which the producer is receiving for his products, and I fear some perishable products, like fruit, melons, and vegetables, will not be able to move at all for long-distance hauls during the season of big supply and low prices. The condition should be apparent to everyone and calls for quick action. Operating expenses must be reduced and the reduction of rates to the public should quickly follow. Then traffic will again be able to move freely and much of the present plight of the railroads as well as other industries will be relieved.

Mr. EAGAN. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. YOUNG]. [Applause.]

Mr. YOUNG of Texas. Mr. Chairman and gentlemen of the committee, I realize that this session is fast drawing to a close. I listened with a degree of interest to the majority leader of the House [Mr. MONDELL] to-day in his résumé of the rapidity with which this House has enacted legislation since the beginning of the session in the early part of December, but in that résumé given by the majority leader every single bill that he referred to that was passed by this Congress was an appropriation bill, disposing of tax money of the people of this Nation. Not one single piece of legislation has been brought on the floor of this House of a reconstructive nature. And if there ever was a period in the history of the Nation where the country demanded that there should be remedial legislation after the war, that period is here now.

The majority leader [Mr. MONDELL] boasts of the fact that we have passed appropriation bills laying a tax burden on the people of this Nation exceeding \$2,000,000,000. Do the people get any consolation from that kind of legislation? Why is not the statesmanship of the majority leader broad enough to comprehend the conditions that confront this Nation of ours now? You have a chaotic condition in the business world; you have worse than a chaotic condition in the agricultural and stock-raising sections of our Nation. Legislation of a remedial character is absolutely essential at this time if order is to be brought out of this chaos.

I come from a great agricultural State, and my people do not know how to turn. They do not know what to do. They have been engaged in the great enterprise of growing food supplies and raw materials for their fellows. They grew last year at sacrifice prices in that wonderful State 4,000,000 and more bales of cotton to clothe the world, yet the cotton farmer is bankrupt. He can not sell his product. The channels of commerce have not been open to him since the war, and there has been nothing done on the floor of this House except to tax him, and no effort made to pass any legislation to relieve the present condition. And in that wonderful State, as well as in the West and Northwest States of this Nation, with the State of Texas a breeding ground for the cattle industry of the Nation, with more than 6,000,000 head of cattle, the stockman is bankrupt; he can not meet his banking obligations. His ranches are going without cattle. The feed pens of that and other States are no longer being used to fatten the herds. There is something wrong when an industry like that, that the people must have if the people live, is in that condition. There is something wrong. That wrong, I charge, can be traced to the organization of the packers of this Nation that constitute the only market and distributing agency that the live-stock producers have. And you have this situation:

The cattlemen are bankrupt; they can not continue in business because the market for their products will not pay the expenses of growing these herds, and in your congested centers people can not eat meat because the price is prohibitive. Where is the economic cause that brings about a condition like this in a great Nation with 105,000,000 people that must be fed? If there is an economic cause—and there is—that brings about this condition, statesmanship says that we should seek out that cause and apply the remedy. I charge the cause lies at the door of the five great packing organizations of this country that have grown independently rich. Only a few days since one of them declared a stock dividend of 1,233 per cent. And they have five of these organizations.

Your committees, duly appointed by this House, have given consideration to these packer bills for weeks and months, and we have accumulated multiplied thousands of pages of information. I am not speaking loosely. I am speaking as a member of the Committee on Agriculture, having heard the testimony from the witnesses that came here from every part of the Na-

tion, and having digested that testimony to the best of my ability, as did the committee. And we have tried to apply the remedy. The Senate committee have done the same thing. The bill was reported to the floor of the Senate, it was duly debated, and that bill, regulating the packers, passed by an overwhelming majority of that body. Your Committee on Agriculture, in the due discharge of its duty, had that bill and the House bill before us, and we did what committees seldom do—we considered that bill in open committee session. The public had access to every word that was uttered, every debate that was engaged in. I commend this kind of publicity to the steering committee. It is a helpful remedy for their present situation if they but apply it.

I would like to hear what they say behind closed doors in discussing this packer bill, which is now on the calendar and can be enacted into law. I charge them with blocking this legislation on the floor of this House—legislation seeking to meet the troubles that I have discussed. I have appealed in the days gone by to the majority leader [Mr. MONDELL]. I have appealed to the steering committee, with MADDEN, from Chicago, as its dominating head. I have appealed to the gentleman from Kansas [Mr. CAMPBELL], the chairman of the Committee on Rules, which has in its power to suspend all rules of the House and bring in a rule here so that we can have this bill before us and debate it and give a remedy to the stock producers of this Nation and the consumers of this Nation. Why do not you exercise statesmanship and give us that rule and do something constructive? [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. EAGAN. Mr. Chairman, I give the gentleman five additional minutes.

The CHAIRMAN. The gentleman is recognized for five additional minutes.

Mr. YOUNG of Texas. I place the responsibility where it belongs, because the Republican side of the House is in power. We have got the votes on this the Democratic side of the House to join with the votes that you have on that side of the House to enact this bill into law, and you can do it within 24 hours, too, and you would be doing the just thing when you do it. I have had no response from the majority leader [Mr. MONDELL]. When I queried him on yesterday and asked him if he would bring up the packer bill after we got through with the fortification bill he turned his back and ran and became both deaf and dumb. He made no answer. [Applause on the Democratic side.]

Neither has the gentleman from Kansas [Mr. CAMPBELL] made an answer. The great Committee on Rules was in session on yesterday. I hoped that on yesterday or to-day the glad tidings and the good news would come to this floor and to the country that the gentleman from Kansas, representing a great stock-producing State—and every witness from that State before our committee wanted this bill—would hear their call and their appeal. They brought out two rules, one some little local bill about Indians and another a little local bill about the Erie Canal. Statesmanship? It is a bluff; it is an effort to kill the time of this Congress so that the packer bill can not come up for consideration.

I appeal now, as I appealed to every power that I know how to appeal to in this House, to another power that I have not heretofore appealed to, and that is the power of the House itself. Oh, those were laborious days in the Committee on Agriculture when we were having hearings and drafting this bill. In that committee stood foursquare the gentleman from Kansas [Mr. TINCER] and fought with me to enact this legislation.

Mr. CROWTHER. Mr. Chairman, I make the point of order that there is no quorum present. I think there should be more Members here to hear this talk.

The CHAIRMAN. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count.

Mr. WINGO. Mr. Chairman, I hope the gentleman will withdraw that. The incoming President is insisting that the appropriation bills shall be got through. I want to help him. I hope the gentleman will not filibuster.

The CHAIRMAN (after counting). Sixty-seven Members are present—not a quorum.

Mr. SLEMP. Mr. Chairman, I move that the committee rise. Mr. MCCLINTIC. It comes too late.

The CHAIRMAN. The gentleman from Virginia moves that the committee do now rise. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. SLEMP. Tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia asks for tellers.

Tellers were ordered, and the Chairman appointed Mr. SLEMP and Mr. EAGAN as tellers.

The CHAIRMAN. Those who favor and those who oppose the committee rising will pass through the tellers and be counted.

The committee divided; and there were—ayes 7, noes 78.

The CHAIRMAN. The committee refuses to rise. A quorum is not present. The Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

Anthony	Ellsworth	Kelley, Mich.	Ramsey
Ashbrook	Emerson	Kennedy, Iowa	Randall, Calif.
Ayres	Evans, Nev.	Kennedy, R. I.	Rayburn
Bacharach	Fairfield	Kincheloe	Riordan
Baer	Ferris	Kitchin	Rogers
Bankhead	Frear	Klecza	Rowan
Bell	Freeman	Lee, Ga.	Rubey
Benson	Fuller	Lesher	Rucker
Bland, Ind.	Gallagher	Little	Sanders, La.
Bland, Mo.	Gallivan	Lonergan	Sanford
Britten	Gandy	Longworth	Scully
Browne	Ganly	McAndrews	Sears
Brumbaugh	Gard	McArthur	Sells
Butler	Godwin, N. C.	McCulloch	Sherwood
Candler	Goodall	McGlenn	Sims
Cantrill	Goodwin, Ark.	McKinry	Small
Carew	Goodykoontz	McKinley	Smith, Ill.
Casey	Graham, Pa.	McLane	Stephens, Miss.
Clark, Fla.	Griest	Maher	Stiness
Clark, Mo.	Griffin	Mann, S. C.	Stoll
Classon	Hamill	Mansfield	Strong, Pa.
Coady	Hamilton	Martin	Sullivan
Copley	Harrell	Mason	Thomas
Costello	Harrison	Mead	Towner
Crisp	Haugen	Montague	Vare
Currie, Mich.	Hersman	Moon	Vestal
Curry, Calif.	Hoey	Mooney	Ward
Dallinger	Howard	Moore, Va.	Welling
Davey	Hulings	Morin	Whaley
Demsey	Hull, Tenn.	Mudd	Wheeler
Denison	Humphreys	Nelson, Wis.	White, Me.
Dent	Husted	Newton, Minn.	Wilson, Ill.
Dickinson, Mo.	James, Mich.	Overstreet	Wilson, Pa.
Donovan	James, Va.	Padgett	Winslow
Doolling	Jefferis	Paige	Wise
Doremus	Johnson, Miss.	Pell	Wood, Ind.
Doughton	Johnson, Wash.	Pou	Woods, Va.
Drane	Johnston, N. Y.	Rafney, Henry T.	Woodyard
Eagle	Kahn	Rafney, John W.	

The committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the fortifications appropriation bill, H. R. 16100, found itself without a quorum; whereupon he caused the roll to be called, when 273 Members, a quorum, answered to their names, and he handed in the names of the absentees to be printed in the Journal and Record.

The SPEAKER. The committee will resume its session.

The committee accordingly resumed its session with Mr. DOWELL in the chair.

The CHAIRMAN. The gentleman from Texas [Mr. Young] has two minutes remaining.

Mr. YOUNG of Texas. May I have five minutes more?

Mr. EAGAN. I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from Texas is recognized for seven minutes.

Mr. YOUNG of Texas. As I was beginning to remark when interrupted by the roll call, on this packer legislation that is now on the calendar I have for days appealed to the sources of power in this House. I have had no response. I am now making an appeal to a greater power yet, and that is the House itself. Are you helpless to do business? Your majority leader [Mr. MONDELL] admits that there is a majority of this House who will vote to write this packer legislation into law. Having that majority, are you helpless to bring this relief to the producers and consumers of the Nation? I now make my final appeal to my colleagues who have stood with me on the Committee on Agriculture, my friend the gentleman from Kansas [Mr. TINCER], my friend the gentleman from Nebraska [Mr. McLAUGHLIN], my friend the gentleman from Wisconsin [Mr. VOIGT], and the chairman of the Committee on Agriculture [Mr. HAUGEN]. We just need one shoulder to shoulder push in order to have law, and on you gentlemen is the responsibility. One word from the eloquent gentleman from Kansas [Mr. TINCER] on this floor, or from the gentleman from Nebraska, or from the gentleman from Wisconsin, or from the gentleman from Iowa, and we will put it over. Will you deliver that word? You have no hope after this session, because forsooth the dominating power on that side of the House, the steering committee, are holding back this legislation and the big interests of this Nation are being cared for. The gentleman from Chicago [Mr. MADDEN] only recently gave out a remarkable in-



interview stating that after the 4th of March the power will be lodged north of the Ohio and east of the Mississippi, and they are going to use it. Where is Nebraska coming in with her stock industry? Where is Kansas coming in with her stock industry? Where is Texas coming in with her stock industry? Where are Montana and Wyoming coming in? In fact, what hope is there for the live-stock producers in all of the States of this Nation? It is up to you. The responsibility is yours, not mine. After the 4th of March I shall be a private citizen, and I am speaking now probably the last word that I will ever be able to utter for this effective piece of legislation; but as a private citizen I know that legislation is needed and I am making this appeal for the people who need this law. Where is the power that is closing the mouths of these gentlemen who helped me and others to report out this bill? Where is that power? Oh, these big interests!

I want to say to these packer organizations that you better accept these regulations. You by your conduct in the tanning business are driving the tanners out of existence; you entering in the grocery business are driving the grocers out of existence; you in the cottonseed oil business are driving my people, that built up the enterprise, out of business. You have entered a thousand fields of endeavor not related to the packing business. You become a monopoly in whatever field you engage. The tremendous power of this organization is enormous. What are we, as the Congress, going to do about it? [Applause.]

I want to say that the power they have is a power that ought not to be vested in any small lot of men—five of them—the power of life and death over 105,000,000 American people, controlling the food supply of this Nation. They have grown rich and the country is becoming impoverished. Oh, gentlemen, I make this appeal, probably my last appeal to you on this side of the House, you men who come from the stock States, I know your hearts and I know your interests, and I want to say that this is the time for you men to rise up above party politics, for this is not a party measure, because distinguished Senators, one Republican, the other Democrat, are joint authors of this bill. It was passed by a Republican Senate, and I am appealing to you as American citizens, do not let the gentleman from Chicago, the home of the packers, have the power to close your mouths. What are you going to do?

It is no guesswork. It is funny that the gentleman from Minnesota [Mr. ANDERSON] was taken off the Committee on Agriculture and placed on the Committee on Appropriations just at the psychological moment. We needed his counsel and advice, as he had prepared the packer bill. We also needed his vote. We have 48 States in this Union, and the great agricultural sections are not represented on the Committee on Agriculture, the only committee that undertakes to legislate for the farmers. What is the personnel of this committee as now organized? Three gentlemen from Illinois, where the packers live and have their seat of power. Is that right? In the next Congress you will have the same thing; and mark my prediction, if packers can control the formation of the Committee on Agriculture next session, then there will be such committee personnel that you need not expect the committee to report a bill regulating the packers.

Now, there is the photograph; there are these three gentlemen from Illinois, all interested in defeating packer legislation. Look at the other States in this Nation, the agricultural and stock-raising States, that have no representative here on the Committee on Agriculture, and I make that appeal to you gentlemen on this side of the House, that now is the time we can and should have packer legislation. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. EAGAN. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. Box].

Mr. BOX. Mr. Chairman and gentlemen, if I can be as much at ease as I am when at home, I want to make a statement on a subject that does not usually divide us along partisan lines. I would like to speak sanely and temperately, because moderation usually characterizes truth and sound judgment, and because I would like to have you consider, at what you believe them to be worth, the things that I say on the subject of immigration. It is now known by all of us with reasonable certainty that the effort we made to enact legislation on that important subject will prove futile so far as this Congress is concerned. The number of people coming now from Europe under the bad conditions, to which I will refer briefly later, if I have time, is such that it does concern the American people and concerns you when you have time to give it thought.

My own appreciation of its importance is my apology for breaking in upon your deliberations to ask you to consider this subject again. I call your attention to the manner in

which the tide of immigration, the number coming, has increased since the signing of the armistice. Beginning in November, 1918, more than two years ago, I give you the numbers in thousands, with the hundreds omitted:

November, 1918, 8,000; December, 10,000; January, 9,000; February, 10,000; March, 14,000; April, 16,000; May, 15,000; June, 17,000; July, 18,000; August, 20,000; September, 26,000; October, 32,000; November, 27,000; December, 37,000; January, 31,000; February, 30,000; March, 39,000; April, 48,000; May, 53,000; June, 62,000; July, 62,000; August, 67,000; September, 72,000; October, 74,000; November, 65,000; December, 1920, 68,000.

The Commissioner General of Immigration has just returned from an extensive visit to Europe and has made a report on the situation and prospects as to immigration. His first, I think, was in his statement before the Senate committee while it was considering the Johnson bill. I read to you a brief extract from his statement before that committee, page 585 of the Senate committee hearings:

The rising tide bids fair to go by leaps and bounds unless checked so that the 1914 rate, which was one of the very highest, will from present indications be passed by the end of this fiscal year, June 30 next.

Farther down on same page:

I hesitate to estimate what will be the rate when Germany, Austria, and the other States open up their supplies.

At the rate of increase for the past six months, if Germany and Austria open their gates through a declaration of peace, the 2,000,000 rate will be approximated and probably passed before January 1, 1922, provided that shipping facilities are available.

I read again from the statement of the Commissioner General to the Senate committee, pages 574 and 575 of the hearings, his statement of the activities in Europe tending to facilitate the coming to this country of immigrants.

Mr. ROSE. Mr. Chairman, will the gentleman yield?

Mr. BOX. I do not want to be discourteous, but I will ask not to be interrupted at present. I read:

At Southampton and other places visited, the activities of organizations and committees in connection with the movement of emigrants to America and other places were made apparent. In fact, there appeared to be as much publicity given and desired as to their labors as business enterprises manifest. They possess headquarters at Paris, Warsaw, Danzig, and many other cities of Europe. The organizations present a complete network, with thousands of aliens in their train, moving from place to place, apparently under their direction. They possess establishments at which these people are fed and lodged, and maintain offices for the transaction of the business involved in their work.

Reading now from page 575:

Besides, work is carried on through delegates who come from America, representing particular communities there, bringing money for distribution, and return with individuals to whom money was sent to pay the cost of transportation.

Reports from numerous and widely scattered sources and of authentic nature, some of which have been presented to this House, many being of such character, of such authenticity, of such number and independence that there can be no doubt about their truth, show that such a number of people of the most unfortunate class—many of them dangerous, let us be frank to say—are striving to come, as to create the necessity for our giving attention to the movement and its consequences.

Mr. YATES. Mr. Chairman, can the gentleman state what that rate was in 1914?

Mr. BOX. It was one million two hundred thousand and some hundreds—1,218,480.

Mr. ROSE. Mr. Chairman, I merely wanted to ask if the gentleman would compare the immigration figures since the armistice with the prewar period. I am very much interested in his remarks.

Mr. BOX. The last six months covered by my figures show 411,901. These figures rise from small figures for preceding months. The number coming during the calendar year 1920 was more than three times as great as the number coming during the calendar year 1919, which began nearly two months after the armistice. That it will increase greatly and rapidly is almost certain.

I read briefly now from an article written by Mr. Kenneth L. Roberts in the Saturday Evening Post of February 12, 1921.

I repeat that the desire throughout Europe to emigrate to America is so strong that the emigrant will practice any chicanery to break through the weak spots in an immigration law. Times have changed as regard emigration. Economic distress throughout Europe is so great, and will be so great for another decade, that America at its worst will have more attractions for the emigrant than his own country. Before the war for years the tide of emigration rose to its height in the spring and autumn and receded to its lowest level in the winter and summer. Now every ship that sails throughout the year is jammed. Before the war emigration rose and fell as America enjoyed prosperity or depression. Now, America under all conditions has equal attraction for the European. The people of America who are not bound by ties of blood to European countries are asking for new immigration laws.

That statement is met by those who want them to come with the further statement that the limitations upon shipping will necessarily restrict the number so that it will not be dangerous. The number is already dangerous. I call your attention to the additional fact that whenever profitable business is offered in increasing volume facilities are usually increased by people who are resourceful and active in the enlargement of their business. The steamship companies are active, rich, resourceful, and have the shipping of the world to draw from.

Mr. LAZARO. Mr. Chairman, will the gentleman yield?

Mr. BOX. Yes.

Mr. LAZARO. On account of the unlimited number that are permitted to come in and on account of our limited facilities for examining them in a medical way on the other side typhus fever has been imported here, and already several deaths have occurred from it in New York. Has the gentleman given that matter serious consideration?

Mr. BOX. I have, and I shall be glad to refer to it if I have the time a little later.

According to the testimony before the Senate Immigration Committee about 100 ships are now engaged in this traffic. According to the testimony of some witnesses they can not bring more than 800,000 or 1,000,000 per year, but the carriage of this traffic, like every other, expands with the demands of the business. I read from the statement of the Immigration Commission appointed in 1907, which devoted years of study to this subject and made a report along nonpartisan lines. Speaking of the increase of immigration after the War of 1812 and the increased shipping drawn into the traffic by the increase in profitable business:

Upon the increased demand for transportation to the United States following the close of the second war with England many vessels which had originally been constructed solely for the purpose of transporting freight were hurriedly transposed into immigrant ships that they might enjoy some of the profits of the business that had become lucrative. This, with the fact that excessive overcrowding had been practiced on all vessels, rendered the condition of emigrants at sea almost unbearable. (Report Immigration Commission, vol. 2, p. 590.)

I have before me a statement of the Commissioner of Immigration at Ellis Island in answer to an inquiry made by me in which he says:

I have been advised that there are a number of passenger-carrying vessels in course of construction, but have nothing very definite upon this point. Several lines are about to inaugurate new service, or have only recently done so; for instance, the Royal Mail Steamship Co. is to commence service between this port and Hamburg; the Baltic Steamship Co. only a few months ago started service between New York and Danzig. As yet it has only one vessel in operation, but I understand negotiations are under way for two or three more. The Baltic-American Line expects to take over the business and such vessels are available of the former Russian Volunteer Fleet and start business between this port and Danzig and Libau. The United States Mail Steamship Co. is at present operating the *Susquehanna* between New York and Danzig, and expects to have at least two more vessels in commission within the immediate future. The United American Line, which is represented to be the successor of the former Hamburg-American Line, has had the *Mount Clay* sail from New York for Hamburg, and has at least two other vessels which will be placed in commission within the next two months.

From all of the information which I have been able to gather, and I think most of my colleagues on the committee will agree with me as to this, this business is doing just exactly what other business does. As it grows it is provided with increased facilities, and if we make the mistake of imagining that this highly lucrative business will be permitted to go to waste by the astute business men who have control of the shipping of the earth, we will make as big a mistake as Germany made when she imagined that our ships would not take Americans to Europe because we did not have them when the movement started. I hope my fellow countrymen will not make the mistake of assuming that there is no danger here. The character of these people—and I speak of them with the kindest of impulse—is such as to create the necessity of attention, to say the least of it. Men who are crowded into the extremities of human life by famine and other grim fortunes and fates like it are apt to become lawless and break away from the ties that ordinarily bind them. Crowding, poverty, want, and rags produce disease. It is now a fact that one ship came in recently bringing 16 cases of typhus on board from Italy. Another came bringing in 20 cases of typhus. Just how many will come if not prevented nobody knows, but I think it can be safely assumed, without our engaging in any extreme talk, that everyone will be brought whom the steamship companies can bring at a lucrative rate.

Mr. WILSON of Louisiana. Will the gentleman yield in reference to this matter of typhus?

Mr. BOX. I will.

Mr. WILSON of Louisiana. It is in reference to the ships coming in with typhus. The public press carried the statement the other day that on account of the fight made by Dr. Copeland

in New York against admitting the immigrants infected with typhus that a cablegram had been sent to Europe to divert the ships to Boston, where there was no opposition.

Mr. BOX. I had not seen that item, but I know that the people of Boston are as wide-awake to protect themselves from a serious peril as anybody, and the steamship companies will find strong opposition there when, for the sake of profits, they propose to unload their disease-infected cargoes there.

Mr. LAZARO. Will my colleague yield?

Mr. BOX. I will.

Mr. LAZARO. Does not the gentleman believe that the only way in the world we can protect this country from typhus or any other epidemic disease from over there is to protect ourselves against those fellows over there before they start?

Mr. BOX. The gentleman asks a very pertinent and intelligent question, but he leads into a very difficult phase of the subject, because of the difficulty of regulating the matter on foreign soil. The House Committee on Immigration has recently held hearings on that particular matter, and I would like to go into it more fully, but my colleague will have to excuse me because of my lack of time. I call attention to the fact that many are coming here poverty stricken, as shown by the following figures covering arrivals during 10 days of December, 1920: Having no money, 2,693; having less than \$5, 1,276; having less than \$10, 1,530; having less than \$20, 3,086; total at New York in 10 days, 8,537.

Can the gentleman from New Jersey spare me more time?

Mr. EAGAN. I can give the gentleman five additional minutes.

Mr. BOX. I would like 10 minutes.

Mr. SLEMP. Mr. Chairman, I move that the committee do now rise.

Mr. SUMNERS of Texas. Mr. Chairman, a point of order. I understood that my colleague has been yielded five minutes.

A MEMBER. The gentleman can finish to-morrow.

The CHAIRMAN. The gentleman from Texas [Mr. Box] has been yielded five minutes by the gentleman from New Jersey, and the gentleman will have five minutes—

Mr. BOX. In the morning?

The CHAIRMAN. In the morning.

The gentleman from Virginia [Mr. SLEMP] moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16100, the fortifications appropriation bill, and had come to no resolution thereon.

#### RETURN OF SENATE MESSAGE TO THE SENATE.

The SPEAKER laid before the House the following resolution of the Senate:

IN THE SENATE OF THE UNITED STATES,  
February 15, 1921.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the message of the Senate of February 9, 1921, announcing its disagreement to the amendments of the House of Representatives to the bill (S. 4205) to amend section 4, chapter 1, of Title I of an act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900, as heretofore amended by section 2 of an act entitled "An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes," approved March 3, 1909, and for other purposes, and asking a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, together with the said bill and the amendments of the House of Representatives thereto.

Attest:

GEORGE A. SANDERSON, Secretary.

The SPEAKER. Without objection, the request of the Senate will be complied with.

There was no objection.

#### LATE REPRESENTATIVE WALTER A. WATSON.

Mr. DREWRY. Mr. Speaker, I wish to offer a motion in reference to memorial exercises.

The SPEAKER. The gentleman from Virginia offers a motion, which the Clerk will report.

The Clerk read as follows:

On motion of Mr. DREWRY:

Ordered, That the order entered on January 17, 1921, setting apart February 20, 1921, for addresses on the life, character, and services of Hon. WALTER A. WATSON be vacated, in compliance with the wishes of his family, based upon request by Mr. WATSON.

Further ordered, That Members of the House be allowed to extend their remarks in the RECORD on the life, character, and services of Hon. WALTER A. WATSON.

The SPEAKER. The question is on agreeing to the motion.

The motion was agreed to.



## ADJOURNMENT.

Mr. SLEMP. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p. m.) the House, under its previous order, adjourned until Thursday, February 17, 1921, at 11 o'clock a. m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV,

415. A letter from the chairman of the Federal Power Commission, transmitting report of the Federal Power Commission in connection with the proposed development of power from the Potomac River, was taken from the Speaker's table and referred to the Select Committee on Water Power.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RHODES: A bill (H. R. 16105) to provide a tariff and to obtain revenue in connection with the lead content of lead-bearing ores, lead, and lead products, and repealing existing laws fixing the rates of duty on such commodities; to the Committee on Ways and Means.

By Mr. SCOTT: A bill (H. R. 16106) regulating the manner in which contracts for construction or repair of ships shall be made by the United States Shipping Board and the United States Shipping Board Emergency Fleet Corporation; to the Committee on the Merchant Marine and Fisheries.

By Mr. MADDEN: A bill (H. R. 16107) to provide for statements of costs in connection with the printing of Government publications; to the Committee on Printing.

Also, a bill (H. R. 16108) to provide for reports in connection with the publications of various departments and independent establishments; to the Committee on Printing.

Also, a bill (H. R. 16109) providing for a detailed statement of costs from the Postmaster General of matter mailed under frank by each department and independent establishment of the Government; to the Committee on the Post Office and Post Roads.

By Mr. LANGLEY: A bill (H. R. 16110) to amend an act entitled "An act to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines; to the Committee on Public Buildings and Grounds.

By Mr. SIEGEL: Joint resolution (H. J. Res. 473) authorizing the retirement as warrant officers of certain Army field clerks and field clerks, Quartermaster Corps; to the Committee on Military Affairs.

By Mr. McLEOD: Joint resolution (H. J. Res. 474) to enable the United States Public Health Service to renovate buildings for hospitals for disabled ex-service men; to the Committee on Public Buildings and Grounds.

By Mr. LEHLBACH: Resolution (H. Res. 687) authorizing the Committee on Reform in the Civil Service to employ technical and clerical assistance; to the Committee on Accounts.

By the SPEAKER (by request): Memorial of the Legislature of the State of Maine, favoring the passage of a bill for the establishment and maintenance of a forest experiment station on the White Mountain Forest, in the State of New Hampshire; to the Committee on Agriculture.

Also, memorial from the Legislature of the State of Arizona, protesting against the deportation of Lord Mayor O'Callaghan; to the Committee on Foreign Affairs.

Also, memorial from the Legislature of the State of Utah, urging a necessary and proper appropriation for the efficient support and maintenance of the division of irrigation investigations; to the Committee on Appropriations.

By Mr. EVANS of Montana: Memorial of the Legislature of the State of Montana, asking enactment of Senate bill 4529, for the erection and maintenance of a dam across the Yellowstone River, in Wyoming; to the Committee on Interstate and Foreign Commerce.

By Mr. HERSEY: Memorial from the Legislature of the State of Maine, favoring the establishment and maintenance by the United States Government of a forest experiment station on the White Mountains National Forest, of the State of New Hampshire; to the Committee on Agriculture.

By Mr. HAYDEN: Memorial from the Legislature of the State of Arizona, regarding the price of petroleum and its products used in the manufacture of gas and in the production of electric energy and for agricultural and other essential industrial purposes; to the Committee on the Public Lands.

By Mr. PETERS: Memorial from the Legislature of the State of Maine, favoring a forest experiment station on the

White Mountain National Forest in New Hampshire; to the Committee on Agriculture.

By Mr. RIDDICK: Memorial from the Legislature of the State of Montana, favoring the passage of S. 4529, for the erection and maintenance of a dam across the Yellowstone River in the State of Wyoming; to the Committee on Rivers and Harbors.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DENISON: A bill (H. R. 16111) granting a pension to Sarah A. Heck; to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 16112) for the relief of Bertram Gardner; to the Committee on Claims.

By Mr. NOLAN: A bill (H. R. 16113) authorizing the Rolph Navigation & Coal Co. to sue the United States to recover damages resulting from collisions; to the Committee on Claims.

By Mr. RICKETTS: A bill (H. R. 16114) granting a pension to Sarah M. Suthers; to the Committee on Invalid Pensions.

By Mr. RIDDICK: A bill (H. R. 16115) granting a pension to W. Orville Wood; to the Committee on Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5824. By Mr. CULLEN: Petition of the New York Chapter of the Knights of Columbus, opposing the passage of the Smith-Towner bill; to the Committee on Education.

5825. Also, petition of the City Council of the City of Philadelphia, Pa., requesting the selection of Independence Square, Philadelphia, as a place of burial for one of our unknown dead soldiers of the late World War; to the Committee on Military Affairs.

5826. By Mr. CURRY of California: Petition of Harold Kierman, J. R. Gaskill, jr., and A. E. Deleuil, committee of Sacramento Council, Knights of Columbus, protesting against the passage of the Smith-Towner bill; to the Committee on Education.

5827. By Mr. ESCH: Petition of the Vincennes Chamber of Commerce, of Vincennes, Ind., favoring legislation for ex-service men; to the Committee on Interstate and Foreign Commerce.

5828. Also, petition of the National Shoe Wholesalers' Association, New York City, favoring a 1-cent drop-letter rate in cities, towns, and rural routes; to the Committee on the Post Office and Post Roads.

5829. By Mr. GALLIVAN: Petition of the Gillette Safety Razor Co., Boston, Mass., Frank J. Fahey, vice president, urging the passage of the Nolan patent bill, H. R. 13681, during the present session of Congress; to the Committee on Patents.

5830. Also, petition of Local No. 16, Boston Bookbinders' Union, International Brotherhood of Bookbinders, signed by 21 residents of the twelfth Massachusetts Congressional district, urging a revision in the present tariff law regarding bookbinding to enable competition with foreign concerns; to the Committee on Ways and Means.

5831. By Mr. HICKEY: Petition of Henry G. Olinger and others, of the thirteenth congressional district of Indiana, protesting against the passage of the Smith-Towner bill; to the Committee on Education.

5832. By Mr. KELLEY of Michigan: Resolutions of the board of delegates of the Michigan State Farm Bureau, opposing imposition of tariff duties on Canadian lumber; to the Committee on Ways and Means.

5833. By Mr. KELLY of Pennsylvania: Petition of St. Joseph Casino, of Pittsburgh, Pa., opposing the passage of the Smith-Towner bill; to the Committee on Education.

5834. Also, petition of the Retail Lumber Dealers' Association of Pennsylvania, protesting against a tariff on Canadian lumber; to the Committee on Ways and Means.

5835. By Mr. KING: Petitions of R. H. Jansen and 25 others, and of Rose Niehaus and 31 others, citizens of Quincy, Ill., opposing the Smith-Towner bill; to the Committee on Education.

5836. By Mr. MONAHAN of Wisconsin: Petition of the Badger Creamery Co., Mineral Point, Wis., protesting against the passage of H. R. 13503, which proposes to reduce the tax on colored oleomargarine; to the Committee on Agriculture.

5837. Also, petition of citizens of Monroe, Wis., protesting against the passage of the Smith-Towner bill, H. R. 7; to the Committee on Education.

5838. Also, petition of citizens of Monroe, Wis., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

5839. By Mr. O'CONNELL: Petition of the National Shoe Wholesalers' Association, of Philadelphia, Pa., favoring 1-cent drop-letter postage rate; to the Committee on the Post Office and Post Roads.

5840. By Mr. RANDALL of Wisconsin: Petition of residents of Racine, Wis., requesting an amendment to the Volstead Act, permitting the manufacture and sale of beer and light wines; also protesting against the McKellar bill; to the Committee on the Judiciary.

5841. By Mr. RIDDICK: Petition of citizens of Gallatin, Mont., and Park County, Mont., protesting against an increased duty on wrapper tobacco; to the Committee on Ways and Means.

5842. By Mr. SNELL: Petition of sundry citizens of Glenfield, N. Y., protesting against the passage of the Smith-Towner educational bill; to the Committee on Education.

5843. Also, petition of sundry citizens of Bangor, Franklin County, N. Y., protesting against the passage of the Smith-Towner educational bill; to the Committee on Education.

5844. Also, petition of sundry citizens of Willsboro, N. Y., protesting against the passage of the Smith-Towner educational bill; to the Committee on Education.

5845. Also, petition of sundry citizens of Clinton, Clinton County, N. Y., protesting against the passage of the Smith-Towner educational bill; to the Committee on Education.

5846. By Mr. VAILE: Petition of the Altar Society of Denver (Colo.) Cathedral, protesting against the passage of the Smith-Towner bill; to the Committee on Education.

5847. By Mr. YOUNG of North Dakota: Petition of the Farm Bureau members of Grand Forks, N. Dak., protesting against proposal to place duty on lumber imported from Canada; to the Committee on Ways and Means.

5848. Also, petition of the Knights of Columbus of Minot, N. Dak., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

## SENATE.

THURSDAY, February 17, 1921.

(Legislative day of Monday, February 14, 1921.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The VICE PRESIDENT resumed the chair.

### COLD-STORAGE FOODS—CONFERENCE REPORT.

Mr. GRONNA. Mr. President, I wish to ask the Senator from Michigan [Mr. TOWNSEND] if he will not kindly consent to lay aside temporarily the unfinished business and let us dispose of the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9521) to prevent hoarding and deterioration of and deception with respect to cold-storage foods, to regulate shipments of cold-storage foods in interstate commerce, and for other purposes. I do not believe it will take very much time. I know of no opposition to it.

Mr. TOWNSEND. I have no objection to taking up several such matters which ought to pass and which have not been acted on up to date. I can not consent to anything that will lead to prolonged discussion. I desire to get the Post Office appropriation bill through just as rapidly as possible. I recognize the importance of the conference reports and that they have the right of way. Unless there is some objection, I shall ask that the unfinished business be temporarily laid aside for the consideration of the conference report referred to by the Senator from North Dakota.

Mr. GRONNA. I thank the Senator. I ask unanimous consent that the conference report on the so-called cold-storage bill be taken up for consideration.

There being no objection, the Senate proceeded to consider the report.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9521) to prevent hoarding and deterioration of and deception with respect to cold-storage foods, to regulate shipments of cold-storage foods in interstate commerce, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"That this act may be cited as the 'United States cold storage act.'

"SEC. 2. Whenever used in this act—

"(a) The term 'person' includes an individual, partnership, corporation, or association;

"(b) The term 'commerce' means commerce among the several States or between any State, Territory, or the District of Columbia and any foreign nation, or between any Territory or the District of Columbia and any State, or between any Territory and any other, or between any Territory and the District of Columbia, or within any Territory or the District of Columbia, or between points in the same State, but through any other State or any Territory or the District of Columbia or any foreign nation;

"(c) The term 'cold storage' means the storage or keeping of any article of food at or below the temperature of 45 degrees above zero (Fahrenheit) in a cold-storage warehouse; but does not include the first 10 days of the time during which the article of food is so stored or kept;

"(d) The term 'article of food' means—

"(1) Meat, meat products (including all edible portions of food animals), poultry and game, whether drawn or undrawn, poultry products, game products, fish, fish products, shellfish, oysters, and clams—if fresh, cooked, prepared, cured, or frozen;

"(2) Eggs or portions thereof—if in shell, dried, or frozen.

"(3) Butter, oleomargarine, lard, lard substitutes, butter substitutes, and cheese;

"(4) Oils for food purposes; and

"(5) Milk, evaporated or powdered—

but does not include any such article not intended or designed for food purposes which is plainly and conspicuously marked in such manner as correctly to show the fact in accordance with such regulations as the Secretary of Agriculture shall prescribe;

"(e) The term 'cold-storage warehouse' means any place, including a car, vessel, or other vehicle, in which the temperature is artificially cooled to or artificially maintained at or below 45 degrees above zero (Fahrenheit); but does not include a place used exclusively for storage of any article of food for the sole use of the occupant, owner, or maintainer thereof (1) for consumption by himself or his family or guests, or (2) in his business of serving meals, or (3) in connection with his retail business only, except that such place shall, in respect to any article of food held therein for more than 30 days in connection with such retail business, be deemed a cold-storage warehouse for the whole of the period of storage therein of such article;

"(f) The term 'warehouseman' includes any person maintaining or operating a cold-storage warehouse; and any person who rents and controls a room or space therein; and

"(g) The term 'mark' includes stamp, brand, tag, and label, and the term 'marked' includes stamped, branded, tagged, and labeled.

"SEC. 3. (a) It shall be unlawful for any person to ship, deliver for shipment, sell, or offer for sale, in commerce, any article of food that is or has been in cold storage, or to hold in cold storage in commerce any article of food, or, having received in commerce, to sell or offer for sale in the original, unbroken package any article of food that is or has been in cold storage, unless such article of food is plainly and conspicuously marked, in accordance with this act and the regulations thereunder, in such manner as correctly to show (1) the words 'Cold storage,' except that these words may be removed immediately preceding a sale for consumption before the expiration of 30 days following the date when such article of food was first placed in cold storage, (2) all the dates when put in and when taken out of cold storage, except that if the Secretary of Agriculture finds it to be commercially impracticable to mark any article of food with the exact date, the day, but not the month or year, may be omitted, in which case the date when the article of food is placed in cold storage shall for the purposes of this act be deemed the first day of the month, and (3) the names and locations of all the cold-storage warehouses in which stored, or suitable distinguishing designations thereof approved by the Secretary of Agriculture for the purpose.

"(b) If any article of food which is required by subdivision (a) of this section to be marked is subdivided, or is in or is placed in a container, or is transferred to a different container, the person who is liable under this act for any failure to have such article of food marked shall mark the subdivision or the container thereof in the same manner as provided by subdivision (a).

"(c) If (1) an article of food that has not been held in cold storage is mixed or mingled with an article of food, whether or not of the same kind, that is or has been held in cold storage, or (2) the containers of such articles of food are mixed or mingled, or (3) an article of food that is or has been held in cold storage is mixed or mingled with an article of